

COUNTER-ATTACK

Now, of course, he's going on trial. And just like he did in the old McCarthy days, Mr. Cohn has answered the current charges against him with a roundhouse counter-attack. Mr. Cohn says it's all a "vendetta," a vast conspiracy to "get" him on the part of U. S. Attorney Robert M. Morgenthau and Attorney General Robert F. Kennedy.

Mr. Morgenthau has never forgiven him, Mr. Cohn asserts, for an "imagined" slight against his father, the late Treasury secretary Henry A. Morgenthau Jr., and "everybody knows Bobby Kennedy has been after me ever since our days together on the McCarthy committee staff."

It is, indeed, common knowledge that from the start there was bad blood between Mr. Cohn and Mr. Kennedy, who later succeeded him as committee chief counsel. Finally, one June day in 1954, the two-boy wonder investigators ran out of nasty things to say to one another and stepped into a corridor to trade punches.

"We're both sort of bantamweights, so we didn't hurt one another," Mr. Cohn laughs. "Besides, Sen. Karl Mundt stepped in and broke it up." But Mr. Kennedy has never forgiven nor forgotten, according to Mr. Cohn.

"A man who serves as his own lawyer has a fool for a client," says Mr. Cohn. He will depend on the services of his law partner and friend, Thomas Bolan, and former Erie county special prosecutor, Frank Godfrey Raichle, of Buffalo.

Mr. Cohn is not the sort of man who could ever be accused of being assailed by the sin of self-doubt. He is a positive thinker, a go-getter, a wheeler and dealer, a hard worker. In the ten years since he faded from view on the nation's TV sets, he has accumulated more than \$2 million in net worth and earns more than \$250,000 a year.

DIVERSE CLIENTS

As a partner in the law firm of Saxe, Bacon & O'Shea, he represents, or has represented, such diverse clients as Gamble-Benedict, National Airlines, the Stork Club, and Schenley Industries. But it is in the world of business and high finance that Mr. Cohn has exhibited a particular daring and flair.

With an energy that belies the deceptively sleepy look in his hazel eyes, Mr. Cohn in 1959 embarked on a hard-hitting campaign to rake in money and power in the American business community.

First, he led a small group that gained control of Lionel Corp., maker of toy trains, other toys, and electronics equipment. He served as board chairman for three years, and it appeared at first he had pulled the company out of the red. Things were not as rosy as they seemed, however, and he resigned as board chairman a year ago, retaining a place on the board and several thousand shares of stock.

Lionel was just a beginning. Mr. Cohn invested more than \$100,000 in two Las Vegas enterprises — also backed by some of the gamblers he was mixed up with in the United Dye stock fraud case, the government contends — and led a group that took over Tower Acceptance, a small loan company, which under his guidance blossomed into Tower Universal, a diversified holding company.

Mr. Cohn led the bitter fight to put control of Fifth Avenue Coach Lines into the hands of Dallas transit tycoon Harry Weinberg and picked up 8,200 shares of the

company's stock for himself. The line was taken over by the city two years ago, and the price the city will pay for it is still under adjudication. Mr. Cohn, five feet eight, 160 pounds, confidentially expects to turn a profit in the millions."

With former friend—and possible prosecution witness—William Fugazy, Mr. Cohn promoted the Patterson-Johansson fights of 1960 and 1961, and with Mr. Bolan the Patterson-Liston fight in 1962. He is said to own a couple of midtown restaurants and have an interest in a dozen other enterprises around town.

Hardworker Cohn, plagued by a receding hairline, is up every morning at 7, and seldom is abed before the early hours of the morning. To control a tendency toward paunchiness, he is on a "no-carbohydrate diet." Breakfast is a bit of cream cheese and iced tea, a beverage he drinks at all meals.

In the world of Roy M. Cohn, lunch can be a quick sandwich (35 cents) at a Chock Full O' Nuts or the works at Pavilion (\$3 for soup), depending on a business contact's eating preferences.

He associates, for business and pleasure, with Hearst corporation president Richard Berlin and columnists Jack O'Brian and Walter Winchell, Wall Street lawyer Edwin Weisl, Massachusetts industrialist Edward Krock,



Associated Press
Roy Cohn

Baltimore Colts owner Carroll Rosenbloom, Floyd Patterson, and Nat Spellman, nephew of the cardinal and president of the Roy Cohn Foundation. Mr. Cohn's personal philanthropy.

Mr. Cohn likes to travel—to Hong Kong, for example, where he is known to have borrowed from money-lenders for his operations, as well as to have picked up the teakwood desk in his beige-carpeted office on the 10th floor of 598 Madison Ave. On Florida fishing trips, he's apt to drop in on G. David Schine, now running the Schine hotel chain.

Mr. Schine was Mr. Cohn's unpaid assistant on the McCarthy committee, and together the two young men, in 1953, gained notoriety as "the gumshoe boys" on a whirlwind fact-finding tour of U. S. propaganda agencies in Europe. The army drafted Mr. Schine. Mr. Cohn used his influence to have his old buddy made immune from KP, and later the Army charged that in his effort to get Mr. Schine other privileges, Mr. Cohn vowed to "wreck" the Army. That led to the hearings that resulted in Mr. Cohn's subsequent unemployment.

"I am still a friend of Dave Schine's," says Mr. Cohn, "but we don't see one another too often. He's married and has five kids now, and some hotels to run."

Mr. Cohn remains, at 37, a bachelor ("but there are a couple of ladies in my life right now"). This is due in part, he says, to his hard life as a business man and lawyer and a variety of outside activities, including the presidency of the American Jewish League Against Communism.

Mr. Cohn, who describes himself as a "very, very conservative Democrat," remains an active anti-Communist, though a quieter one. Does he still consider communism a major danger in America?

"Of course I do," he says. "Communism is more of a threat today than it ever was. You can't distinguish U. S. communism from world-wide communism. As long as it progresses in Cuba, or in Vietnam, it makes the branch of the Communist movement in this country that much more powerful."

Mr. Cohn prefers to forget his critics and stay in close touch with his friends, many of whom occupy high places.

As visitors enter the green-carpeted reception room of his law chambers, presided over by his secretary of ten years, Miss Evelyn Lawrence ("he always has been and always will be a hero to me"), they are confronted by an enormous grandfather clock.

The framed and autographed pictures on the wall, on either side of the clock, give some idea of Roy Cohn's choice of friends. There is J. Edgar Hoover—on the left, of all places—and on the right, a full-color picture signed "F. Cardinal Spellman."

Of these photos, one acquaintance has quipped, "Roy's not afraid to let it be known that he's on the side of the angels—and the FBI."

Frank Farrell's New York—Day-by-Day

Frank Farrell's New York—Day-by-Day
Frank Farrell's New York—Day-by-Day
during the upcoming trial. ...
Vegas where he has been counting on to ...
or remain silent, have already ...

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Roy Cohn Is Going On Trial

By TED POSTON

Roy Cohn goes on trial in Federal Court today on charges of perjury and conspiracy to obstruct justice in what is expected to be one of the most sensational hearings on the local docket.

The dapper onetime chief counsel to the late Sen. McCarthy's Senate Investigating Subcommittee and a co-defendant, Murray E. Gottesman, are accused of lying to a grand jury to prevent the indictment of four men in a stock fraud involving the United Dye and Chemical Corp.

Federal Judge Archie O. Dawson ordered jury selection to begin this morning in a case that has already produced several sensations.

Earlier this month, Dawson refused to quash the indictment after Cohn charged that the government had violated his constitutional rights by placing a mail watch on his correspondence

and on that of Thomas A. Bolan, one of his attorneys.

Although he denied the dismissal, Dawson said:

"It is shocking to think that the government, after an indictment is filed, may put a mail watch on the attorney for the defendant which might, in some cases, possibly lead to discovery of steps defendant was using in preparing for trial."

The government has provided its own sensations in the pre-trial wrangling. In a bill of particulars filed at Cohn's demand, the prosecution contends that Cohn went to Las Vegas after the four men escaped indictment and received bribe money from a big-time gambler. Cohn, however, is not charged with bribery, but with conspiracy to obstruct justice.

U. S. Attorney Morgenthau has assigned four assistants to prosecute Cohn. Gerald Walpin and Donald J. Cohn (no relation) will be in charge of the prosecution assisted by Edward M. Shaw and John R. Bates, Jr.

In addition to Bolan, his law partner, Cohn has retained Frank G. Raichie of Buffalo as his chief counsel. But Cohn, regarded as a ruthless cross-examiner during his McCarthy committee days, is expected to play a prominent part in his own defense.

If he is convicted, Cohen could be sentenced to 40 years in prison and fined a total of \$36,000 on the indictment's 10 counts.

Cohn, who at 32 became chairman of the Lionel Corp. while holding directorships in several other corporations, tried last week for a two-month adjournment of his trial. He contended that the current showings of the movie, "Point of Order," dealing with the Army-McCarthy hearings of 1954, had created a prejudicial atmosphere against him here.

(Indicate page, name of newspaper, city and state.)

3 NEW YORK POST

Date: 3/23/64
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Perjury Trial Opening for Cohn

Roy M. Cohn, one-time chief counsel to the late Sen. Joseph R. McCarthy's Senate Subcommittee on Investigations, goes on trial in Federal Court for perjury today.

Cohn is charged with lying in testimony before a federal grand jury investigating the

United Dye and Chemical Co. in 1959. The inquiry involved the manipulation of the firm's stock in violation of Securities and Exchange Commission regulations.

Cohn, a lawyer, was representing four men named in the inquiry and later indicted on SEC violations. His alleged perjury came during his efforts to prevent their indictment, the government has charged.

Scheduled to go on trial with Cohn is another lawyer, Murray E. Gottesman.

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2 NEW YORK WORLD
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Editor: RICHARD D. PETERS

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COHN SCHEDULED FOR TRIAL TODAY

He Is Charged With Perjury
Before U.S. Grand Jury

R. FOSTER HAILEY

When Roy M. Cohn bustles— he generally moves at a quick step— through the doors of Courtroom 110 in the United States Court House on Foley Square this morning, he will be facing a new crisis in a career that has been filled with them.

But this one will be different. He enters not as a stern young Federal attorney, which he once was, or as chief counsel of a grand Senate committee, a post in which he attracted world attention a decade ago, but as a defendant in answer to a criminal charge.

Six and one-half months ago, on Sept. 1, 1963, he was indicted by a Federal grand jury on charges of having lied to it on a matter it was investigating and, by persuasion and threat, of having caused others to commit perjury. He pleaded not guilty at a news conference that same afternoon and in court the next day.

If convicted on all 10 counts of the lengthy indictment, he could be sentenced to 40 years in prison and fined a total of \$36,000.

Case Attracts Attention

The case has attracted more than the usual attention. Not only because Mr. Cohn is one of the defendants (the other is Murray E. Gottesman, a fellow New York attorney), but also because the charges Mr. Cohn has made against the Justice Department.

Even before his indictment, Mr. Cohn was charging Government officials with having leaked information to the press and to radio and television. He said the press knew he had been subpoenaed by the grand jury before he himself knew it.

Since the indictment was returned, he has accused Robert Morgenthau, United States Attorney for the Southern District of New York, whose office will prosecute the case, and Attorney General Robert F. Kennedy of waging a vendetta against him.

He has said Mr. Morgenthau is seeking revenge because as chief counsel for the Senate Permanent Subcommittee on Investigations under the late Senator Joseph R. McCarthy, he had disclosed Communist infiltration of the Treasury Department, which was headed by Mr. Morgenthau's father, Henry Morgenthau, during the Roosevelt Administrations.

Long-Time Antagonists

Mr. Cohn and Mr. Kennedy have been long-time antagonists. Mr. Kennedy was counsel for the Democratic minority of the Senate investigating committee while Mr. Cohn was chief counsel. They frequently clashed, both publicly and privately, over Mr. Cohn's tactics.

Last month, Mr. Cohn moved for a dismissal of the charges against him because Mr. Morgenthau's office had put a mail watch on his incoming mail and that of one of his attorneys, Thomas A. Bolan. There was no evidence that the mail had been opened, but notations were made of the names and return addresses of those writing to either of the two men.

Federal Judge Archie O. Dawson denied the motion but described the Government action as "shocking." He said it "smacks more of Russia than of the United States."

Judge Dawson will preside at the trial, which will be before a jury and is expected to last two to three months. He was appointed last September as a "particular" judge to preside at the trial and to handle all motions arising from the indictment. This often is done in involved cases such that of Mr. Cohn and Mr. Gottesman.

Linked to United Dye

The indictment of Mr. Cohn and Mr. Gottesman arose from their alleged activities in connection with an investigation by a Federal grand jury in 1959 of the affairs of the United Dye and Chemical Company. The company was part of the financial empire of the convicted swindler Alexander L. Guterman, who served a prison term for his illegal activities.

Three years earlier the Securities and Exchange Commission had begun an investigation of the purchase, sale and manipulation of United

Dye stock. Its report led to the grand jury investigation.

Last September's indictment charges that Mr. Cohn and Mr. Gottesman conspired to keep that grand jury from indicting four of those involved—in the S. E. C. investigation of United Dye and Chemical's affairs. They were Samuel S. Garfield and Irving Pasternak, Western

oil promoters, Allard Roen, manager of the Desert Inn in Las Vegas, and Allen K. Swan, a Midwestern lawyer. Mr. Cohn had had earlier dealings with Mr. Garfield in other matters.

The 1959 grand jury indicted several persons, but did not name the four as defendants.

The case was reopened in 1961 and the grand jury of that year indicted all four. In the subsequent trial, all pleaded guilty. Pasternak was sentenced to two-and-a-half years in prison, but his surrender to begin serving his sentence has been indefinitely deferred. The others never have been sen-

tenced, leading to a belief that all will be Government witnesses in the coming trial.

Chief counsel for Mr. Cohn is Frank G. Raichle of Buffalo, one of New York State's better known criminal lawyers.

Gerald Walpin, an assistant United States District Attorney who has handled the United Dye and Chemical matter since 1959, heads the prosecution staff.

The case was to have gone to trial last Monday, but Mr. Raichle was not appointed by Mr. Cohn as his counsel until March 2 and he sought and obtained a week's postponement.

(Indicate page, name of newspaper, city and state.)

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'Equal Justice Under Law'

The ruling by Federal Judge Archie O. Dawson puts the case against Roy M. Cohn back in perspective and back where it belongs—in the courtroom in Foley Square. The case will go to trial, as scheduled, on March 16. This is as it should be: to protect the defendant's rights and to uphold the Government's obligation to pursue alleged criminal acts.

The case got off the track in recent days because of disclosure of a Government mail watch. The Post Office had recorded the sender's name and address of mail addressed to Mr. Cohn and his attorney, but no mail was opened or read. Mr. Cohn's attorney attempted to have the whole case against his client thrown out of court because of the mail watch. This the judge has denied.

In ordering the trial to proceed, Judge Dawson pointed out that the "use of such a mail watch is not a violation of any constitutional rights of the defendant." No proof was offered that any evidence obtained by the Government resulted from the mail watch or that there was any interference by the Government in the attorney-client relationship. Nevertheless, Judge Dawson said that the "judgment of the Assistant United States Attorney in directing a mail watch to be placed on the attorney for the defendant may well be questioned."

What must be upheld in this or any other case is the sacred concept carved above the Supreme Court's pillars: Equal Justice Under Law. That applies to a James Hoffa, who stands for the worst in trade union leadership, or to a Roy Cohn, who helped write the book on how to abuse witnesses when he served as the late Senator McCarthy's closest assistant and confidant. That fundamental idea was expressed long ago by Justice Brandeis: "At the foundation of our civil liberty lies the principles which denies to Government officials an exceptional position before the law and which subjects them to the same rules of conduct that are commands to the citizen."

Mr. Cohn and a co-defendant have been accused of serious crimes. He has been indicted for allegedly lying before a grand jury and trying to prevent the indictment of four men in a stock fraud case. Is Mr. Cohn guilty of perjury and conspiracy? That is now the issue; the only issue. The time is past for red herrings or mail watches. What counts is a fair trial without delay.

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30 NEW YORK TIMES

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feminiscent of his confident manner when he was the young chief aide a decade ago to the late Sen. Joseph R. McCarthy.

But Mr. Cohn, now 37 and a defendant instead of prosecutor, just wrinkled his forehead as U.S. Atty. Gerald Walpin contended that Mr. Cohn—along with his co-defendant, Murray E. Gottesman, 35—actually avoided indictments for Irving Pasternak, Allard Roen, Samuel S. Garfield and Allen K. Swann in a \$5 million stock fraud involving United Dye and Chemical Co., when it was in the hands of swindler Alexander L. Guterman.

STUDIES JURY

Mr. Cohn studied the jury of 10 men and two women (and four male alternates) that had been impaneled minutes before Mr. Walpin began outlining the charges.

They were the citizens who, under the questioning of Judge Archie O. Dawson, denied any preconceived prejudices.

According to the government's case against Mr. Cohn, after the quartet of stock manipulators was finally indicted in 1961 and pleaded guilty, Cohn and Gottesman lied to grand jurors investigating the 1959 proceedings. Indictments were returned against the pair of witnesses on Sept. 4, 1963.

Mr. Walpin charged that after the four stock manipulators pleaded guilty, and began co-operating with the government, Mr. Cohn contacted them through mutual friends and threatened "to get even."

All these allegations of threats and conspiracy to cause others to perjure their testimony were denied before the grand jury by Mr. Cohn.

The still-young Manhattan lawyer, who lives at 1165 Park ave. and whose offices are at 598 Madison ave., is normally talkative and gregarious.

But he was guarding his words yesterday.

TRIAL OF ATTORNEY OPENS New Court Role for Roy Cohn

By MEL JUFFE

Frowning, the wrinkles furrowing his forehead, Roy Cohn listened worriedly.

Anybody would worry.

It could mean 40 years in jail if the panel of 12 strangers believes the tale of conspiracy, ominous threats and perjury that the Federal prosecutor was spinning.

Mr. Cohn's lawyer will have a chance to reply today.

PROSECUTOR'S DAY

But yesterday the prosecutor did all the talking, accusing Mr. Cohn of charging four stock manipulators \$50,000 in 1959 for saving them from federal grand jury indictments.

At times the government case seemed interwoven with nightmare fantasy — Mr. Cohn's dim memories of

hotel-room meetings long ago with men whose faces he's forgotten; the government claim that the meetings never took place at all.

Tanned, elegantly tailored in a gray suit, Mr. Cohn would sometimes switch from the frown to a look of sudden annoyance. Then he'd make a note on his yellow, lined pad.

At other times, he'd smile at a government accusation and whisper to his lawyer,

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It's Cohn Vs. Prosecutor

By Milton Lewis
Of The Herald Tribune Staff

Sitting in the same court in which he had prosecuted Communists, spies and dope peddlers, Roy M. Cohn blanched yesterday on hearing himself called a perjurer and an obstructor of justice.

Mr. Cohn, now 37, was known as a boy wonder when he was 22 and an Assistant U. S. Attorney. He looked especially unhappy when Gerald Walpin, an Assistant U. S. Attorney who is all of 32 and now holding forth at Mr. Cohn's old stand, told a jury of ten men and two women in Federal Court:

That Mr. Cohn entered into a conspiracy with a since admitted stock swindler to pay \$50,000 if Mr. Cohn could keep the swindler and three fellow crooks from getting indicted.

That Mr. Cohn's co-defendant, at Mr. Cohn's suggestion, got in touch in 1959 with Morton Robson, the then chief Assistant U. S. Attorney, to discuss "the subject matter" of saving the four swindlers from being indicted.

SWINDLE

The four were not named then. But in 1961 another grand jury clipped them on a \$5 million United Dye and Chemical Corp. stock swindle. All pleaded guilty. Three of them are expected to testify against Mr. Cohn and his co-defendant, 56-year-old Murray E. Gottesman.

U. S. Calls Attorney Perjurer And Obstructor of Justice

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also a lawyer.

Mr. Robson, who is now in private law practice and whose name was mentioned several times by Mr. Walpin, was reached last night and told of the prosecutor's opening comment to the panel—picked yesterday in 80 minutes, after the deft questioning by Judge Archie O. Dawson.

Mr. Robson said:

"Nothing improper was done by me or anybody else in the U. S. Attorney's office to my knowledge. And nothing, to my knowledge, has been charged against me or anybody else in the U. S. Attorney's office.

"At this point, I don't think it is proper to comment on the case since it is on trial and anything I say could be prejudicial to the interests of either the government or the defendants."

'VENDETTA'

Under stricture of the court not to discuss the case—which he had previously called a "vendetta" against him by Attorney General Robert F. Kennedy and U. S. Attorney Robert M. Morgenthau—Mr. Cohn quipped before jury selection started:

"It's very hard for me not to smile, but I'm not supposed to."

He played a most active part in helping his two trial lawyers, Frank G. Raichle and Thomas A. Bolan, in approving jurors, plus four alternates, all men. The trial is expected to last from four to eight weeks.

In his 65-minute outline, Mr. Walpin kept pointing at Mr. Cohn—every time he accused him of perjury before the grand jury. Mr. Cohn stared back at the prosecutor. Mr. Walpin detailed a series of alleged machinations by Mr. Cohn to prevail upon at least two of the four convicted stock swindlers to alter their testimony before the

grand jury which indicted Mr. Cohn and Mr. Gottesman. Henry K. Chapman represents Mr. Gottesman.

Mr. Cohn made a special weekend trip to California and caused the head of the Desert Inn in Las Vegas to fly back from Europe to New York—all to get witnesses to give false grand jury testimony, according to prosecutor Walpin.

Mr. Cohn also committed perjury, Mr. Walpin alleged, when he testified that it was in 1961 that he received \$10,000 in cash from Samuel Garfield, one of the four who had no desire to be indicted for stock swindling. The prosecutor quoted Mr. Cohn as saying that he picked up the \$10,000 merely as acting as counsel for Garfield and then recommending Mr. Gottesman to be Garfield's lawyer.

There was no payment to Mr. Cohn by Garfield in 1961. But there definitely was one in 1959—after Garfield and his three fellow swindlers had been named in the indictment—according to Mr. Walpin. He also recited alleged Cohn threats against witnesses in their Las Vegas gambling ventures.

At the close of the court day, Judge Dawson granted the defense the right to take a deposition from Bernard

Baruch, on behalf of Mr. Cohn, regarding the latter's good character. The 94-year-old adviser to Presidents and Mr. Cohn have been fellow bridge players.

The defense will make opening statements this morning and then testimony will begin. In concluding his remarks yesterday, prosecutor Walpin, possibly mindful of the "vendetta" countercharges previously made by Mr. Cohn, said:

"The government asks you to decide this case on proof, not personalities."

Mr. Walpin was also aware that several prospective jurors had made it plain that they were prejudiced against Mr. Cohn because of his behavior as chief counsel to the late Sen. Joseph R. McCarthy

when the Senator headed the Senate Investigations Committee. It seems that none of the jurors had seen "Point of Order," the newsreel picture clips dealing with those McCarthy hearings.

"It's a lousy picture," Mr. Cohn said before jury selection started.

Cohn Is on Trial at His Old Stand

By NORMA ABRAMS

Roy M. Cohn, 37, aid to the late Sen. Joe McCarthy and onetime federal prosecutor, yesterday went on trial with a second lawyer on charges of perjury and conspiracy to obstruct justice. The courtroom in the Federal Building in Foley Square was the same in which he had prosecuted many a defendant.

A sleek, dark-haired man, Cohn listened sharply and made frequent notations on a yellow, lined legal pad as a jury of 10 men and two women, and four alternates, all men, was selected before Judge Archie O. Dawson.

Involved in Firm's Deals

Cohn's co-defendant, Murray E. Gottesman, 56, was similarly alert.

Charges against the pair stemmed from dealing in the stock of the United Dye and Chemical Co., a vehicle controlled by swindler Alexander L. Guterman.

In 1960, the government said,

Cohn and Gottesman successfully kept Samuel S. Garfield, Irving Pasternak, Allard Roen and Allen K. Swann from being indicted by a federal grand jury in a \$5 million stock fraud involving United Dye and Chemical.

In 1961, the four were indicted and pleaded guilty to charges.

Called in 1959 Probe

An investigation of the 1959 proceedings found Cohn and Gottesman called as witnesses before a grand jury. The two, the indictment returned on Sept. 4, 1963, maintained, lied to the grand jurors.

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Cohn, of 1165 Park Ave., with law offices at 598 Madison Ave., could on conviction be sentenced to 40 years in prison and \$36,000 in fines. Gottesman, of 70 E. 10th St., with offices at 217 Broadway, could on conviction be sentenced to 15 years in prison and \$14,000 in fines.

Refuses to Comment

On arrival at the courthouse with his counsel, Frank G. Raichle of Buffalo, Cohn confronted many newsmen he had known in happier days as an assistant U. S. attorney.

Asked for comment, Cohn said: "Everything we have to say will be said in court."

Earlier, he had claimed that he was indicted on trumped-up charges because of the personal animosity of U. S. Attorney General Robert Kennedy—an asser-

tion vigorously denied by Kennedy and other officials.

Outlines U. S. Case

Assistant U. S. Attorney Gerald Walpin, who conducted the government's case in the United Dye and Chemical scandal, made his opening in late afternoon.

Outlining the government's case, he said he would prove that Cohn lied to a grand jury and tried to thwart it by getting witnesses to change their testimony. Raichle will make his opening to the jury this morning.

In a surprise development late yesterday, Cohn's counsel obtained consent of the court to take a deposition from Bernard Baruch, the 94-year-old financier, as a character witness for Cohn.

(Mount Clipping in Space Below)

Government Tells of Bribe as Trial of Cohn Begins

**Says He Accepted \$50,000
to Keep 4 Persons Out
of United Dye Case**

By HOMER BIGART

The Government opened its case against Roy M. Cohn yesterday by contending that Mr. Cohn received a \$50,000 bribe from a Las Vegas gambler. It charged that the payment was made to keep the gambler and three of his friends from being named in an indictment in the \$5 million United Dye and Chemical Corporation stock fraud case.

A Federal prosecutor told a jury that Mr. Cohn, chief aide to the late Senator Joseph R. McCarthy during the controversial hunt for Communists in government a decade ago, also tried to thwart justice by lying to a grand jury and by getting witnesses to change their testimony.

Mr. Cohn, 37 years old, and his co-defendant Murray E. Gottesman, 56, a Manhattan lawyer, went on trial before a jury of 10 men and two women, plus four alternates, that was chosen quickly in the courtroom of Judge Archie O. Dawson.

Government Aim Set Forth

In his opening statement, Gerald Walpin of the United States Attorney's office said the Government would prove that Samuel S. Garfield, an oil promoter and gambler, arranged to pay Mr. Cohn \$50,000 in 1959 if Mr. Cohn could head off indictments against Garfield

and Irving Pasternak, another oil promoter; Allard Roen, manager of the Desert Inn in Las Vegas, and Allen K. Swann, a lawyer.

The four escaped indictment in 1959 after Mr. Gottesman "contacted Morton Robson, then the chief assistant United States Attorney for the Southern District of New York, on the subject of keeping Garfield, Pasternak, Roen and Swann out of the indictment," Mr. Walpin said.

But a second grand jury indicted the four in 1961 and they pleaded guilty. Only Pasternak has been sentenced and he has not yet begun serving his two and a half years in prison. All four may appear as Government witnesses, and the fate of Mr. Cohn may depend on whether the jury believes them.

Returning to the courthouse where, as an assistant United States Attorney barely turned twenty, he began his career as a successful prosecutor of Communists, the jaunty, black-haired Mr. Cohn found himself sitting at the defense table for the first time in a criminal case.

~~He had retained as~~

(Indicate page, name of newspaper, city and state.)

25 NEW YORK TIMES

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Author: HOMER BIGART
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Roy M. Cohn, left, at court with lawyer, Frank G. Raichle

fense counsel an old friend, Frank G. Raichle, a courtly 66-year-old lawyer from Buffalo, who was counsel for the late John C. Montana, an alleged member of the Mafia who participated in the 1957 Apalachin meeting. Mr. Raichle will make the opening statement for Mr. Cohn's defense this morning.

In charge of the Government's case were two youthful prosecutors, Gerald Walpin, 32, and Donald J. Cohn, 34. Mr. Walpin had already prosecuted successfully some cases rising out of the original investigation of the United Dye stock swindle engineered by convicted financier Alexander Guterman.

Mr. Walpin told the jury that Mr. Cohn, after learning that Roen and Garfield were giving information to a grand jury in 1962, summoned Moe Dalitz, a prominent Las Vegas gambler, back from a European vacation to "put pressure on Roen and Garfield." Mr. Cohn did not deal with Dalitz directly but had his friend William Fugazy call the gambler home. Mr. Fugazy, who will testify for the Government, was associated with Mr. Cohn in promoting two Patterson-Johansson fights.

Moe Dalitz flew back from Europe a day after getting the summons from Mr. Fugazy, but he refused to intervene on behalf of Mr. Cohn, Mr. Walpin charged. Subsequently, Mr. Cohn caused Mr. Fugazy to "testify falsely" that the return of Dalitz had nothing to do with Mr. Cohn, the prosecutor added.

He further asserted that Mr. Cohn caused Mr. Garfield to make a false statement contra-

dicting Garfield's previous grand jury testimony.

Mr. Walpin declared that Mr. Cohn perjured himself in front of the grand jury last spring by denying he had told Mr. Fugazy to warn Roen and Garfield that he would "make trouble for Las Vegas people" unless they stopped cooperating with the grand jury.

The jury was chosen with relative despatch although Judge Dawson became somewhat irritated by the number of persons who said they had formed a prejudice in the case.

He scolded a woman who said she was prejudiced against the Fifth Avenue Coach Company, in which Mr. Cohn was financially involved, because she had lost her job with the company.

(Mount Clipping in Space Below)

Cohn Answering Perjury Charges

By TED POSTON and IRVING LIEBERMAN

Roy M. Cohn today opens his defense against perjury-conspiracy charges which could, if he is convicted, send him to jail for 40 years and cost him \$36,000 in fines.

Cohn and a co-defendant, Murray E. Gottesman, went on trial before Federal Judge Dawson and a jury of 10 men and two women yesterday on a 10-count indictment. The two lawyers are charged with lying to a federal grand jury and with obstructing justice in a \$5,000,000 stock fraud case involving the United Dye and Chemical Corp.

Frank C. Raichle of Buffalo, Cohn's chief counsel, starts today's session with an opening statement in his client's behalf which he estimates will take one hour.

Henry Chapman, attorney for Gottesman, said that he planned a brief statement of about five minutes before the government starts presenting its massive file of evidence and exhibits in what many believe will be a trial of several weeks.

Raichle indicated one line of defense when he asked, and received, permission to take a deposition at the home of financier Bernard Baruch on Friday as a character witness for Cohn.

But most of his opening statement is expected to answer charges by Asst. U. S. Attorney Walpin who told the 12 jurors and four alternates that Cohn not only conspired to prevent the indictment of four West Coast men later jailed in the stock fraud, but that he also threatened to intimidate witnesses when he found that the

government was investigating his own activities in the case.

Walpin outlined a web of dealings between Cohn and other principals in the case which he said expended from Europe to California. He accused Cohn of threatening two of the men whose indictment he earlier had allegedly thwarted—Manuel S. Garfield, an oil promoter, and Allan Roen, manager of the Las Vegas Desert Inn.

These two, along with Allen K. Swan, a Midwest lawyer, and Irving Pasternak, another oil promoter, were indicted by a later federal grand jury and pleaded guilty to the stock fraud charges. All are expected to appear as prosecution witnesses against the former chief counsel of the late Sen. McCarthy's Senate Investigating subcommittee.

One principal witness against Cohn will be William D. Fugazy, president of Feature Sports Inc., who with Cohn and other associates promoted the multi-two-million-dollar heavy-weight championship fights between Floyd Patterson and Ingemar Johansson.

Walpin told the jurors that Cohn used Fugazy, once associated with him in a \$25,000,000 travel agency, to intimidate possible witnesses and that he also asked Fugazy to lie under oath to the grand jury.

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Top Federal Witnesses in Cohn Trial to Be 2 Who Pleaded Guilty in United Dye Case

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—Samuel Garfield and Allen K. Swann, who pleaded guilty in the \$5 million United Dye & Chemical Corp. stock fraud case, will be the Government's prime witnesses in the trial of Roy M. Cohn and Murray E. Gottesman.

Mr. Cohn and Mr. Gottesman have pleaded innocent to a Federal indictment charging perjury and conspiracy to obstruct justice. The charges stem from the United Dye scandal. The Government alleges that Garfield was the man who originally brought Mr. Cohn into the matter, and through him, Mr. Gottesman.

In his opening statement to the jury, Assistant U.S. Attorney Gerald Walpin said Garfield and Swann will give testimony contradicting sworn statements made by Mr. Cohn and Mr. Gottesman to a grand jury in 1962 and 1963. The grand jury was investigating possible reasons why Garfield, a gambler and promoter; Irving Pasternak, his partner; Alard Roen, an executive of the Desert Inn, a Las Vegas hotel-casino, and Swann, their attorney, weren't defendants in the original United Dye indictment filed in 1960. The four were indicted in 1960, in a second indictment.

The Government alleges that Mr. Cohn and Mr. Gottesman, both New York attorneys, were part of a scheme to keep the four men from being indicted. However, these charges aren't part of the 10-count indictment against Mr. Cohn and Mr. Gottesman. The two attorneys were formally charged only with attempting to obstruct the grand-jury investigation of their role in the affair and with lying to the grand jury themselves.

The first day of the trial moved briskly under the direction of Federal District Judge Archie O. Dawson. The jury—10 men and two women—was chosen in an hour and a half yesterday morning. Four alternate jurors were selected immediately after lunch, and by 3:30 p.m. Mr. Walpin was beginning his one-hour-and-15-minute opening remarks.

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Frank G. Raichle, Jr., Mr. Cohn's chief defense counsel, asked the court to delay all opening statements until morning. But Judge Dawson looked at the clock and said he would prefer to use all the time available.

Mr. Raichle will open the proceedings this morning with his statement to the jury, and Henry K. Chapman, attorney for Mr. Gottesman, will follow. Mr. Raichle estimated he would need about the same amount of time as Mr. Walpin used. Mr. Chapman said he'd take "about five minutes."

The only other prospective witness definitely named at the trial was Bernard Baruch, the 93-year-old financial wizard and adviser to Presidents. Mr. Raichle said Mr. Baruch would be a character witness for Mr. Cohn, but asked that his testimony be taken as a written deposition, rather than in court, in deference to his age.

Indicated Its Sources

For the first time, the Government spelled out its version of some of the events that are supposed to have occurred and indicated the sources of its information.

Mr. Walpin said Garfield will testify that in June 1959 he told Mr. Cohn he would pay \$50,000 if Mr. Cohn could keep the four associates out of the 1959 indictment. As a result, Mr. Walpin contended, Mr. Cohn contacted Mr. Gottesman, who in turn contacted Morton Robson, then Chief Assistant U.S. Attorney for the Southern District of New York. No charges have been filed against Mr. Robson.

In February 1962, the United Dye case (which was to last 11 months) came to trial, and within three weeks Garfield, Swann and Roen changed their pleas from innocent to guilty (as did Pasternak later in the trial). In April 1962, Mr. Walpin said, Garfield told a grand jury in New York about the alleged arrangements with Mr. Cohn and said he had paid Mr. Cohn the \$50,000 in 1959.

The perjury and conspiracy charges against Mr. Cohn and Mr. Gottesman are based on their denials before the grand jury that they took action to protect themselves and to prevent Garfield and the others from giving further information to the Government about their efforts to stay clear of the 1959 stock fraud indictment.

Mr. Walpin said Mr. Cohn and Mr. Gottes-

man told the grand jury that Mr. Gottesman was an attorney for Garfield in 1959; if this is true, a meeting with Mr. Robson would have been perfectly normal. To support this, Mr. Cohn told the grand jury he met with Garfield, Swann and Mr. Gottesman in a New York hotel room in 1959 to discuss legal representation.

"Contrary to this explanation," Mr. Walpin asserted, Garfield will testify there was no meeting and that he never met or retained Mr. Gottesman. Swann will give supporting evidence, he said.

Mr. Walpin added that testimony will be given in an effort to show Mr. Gottesman himself told an agent of the Federal Bureau of Investigation in 1961 that the 1959 meeting didn't take place.

Received Legal Fee

Mr. Walpin said Mr. Cohn told the grand jury the only money he received from Garfield was a \$10,000 cash fee in 1961 for legal services. The prosecutor declared, however, that Garfield will testify the only payment he made to Mr. Cohn was the \$50,000 in 1959.

Mr. Walpin also said the Government will attempt to prove that Mr. Cohn sent threats to Garfield and Roen through William D. Fugazy and Eli Boyer in an effort to stop further aid to the Government. Mr. Fugazy is president of Fugazy Travel Bureau, Inc., and a former friend and business associate of Mr. Cohn. Mr. Boyer is a West Coast accountant and associate of the Las Vegas group.

Mr. Walpin carefully avoided saying that Mr. Fugazy would be a Government witness. However, Mr. Fugazy himself has said he expected to be. The Government alleges that Mr. Fugazy lied to the grand jury at the behest of Mr. Cohn.

The Government also alleges that Mr. Cohn lied about his contacts with these two men and that such efforts to prevent testimony to the grand jury constitute an illegal conspiracy.

Mr. Walpin also contended that Mr. Cohn perjured himself in denying that he had Mr. Fugazy send for Moe Dalitz, owner of the Desert Inn, to return to New York. Mr. Cohn allegedly tried to put pressure on Roen and the others through Dalitz.

Cohn Calls Charges Product of U.S. Deal

By NORMA ABRAMS

Roy M. Cohn's attorney yesterday attacked as lies the perjury conspiracy charges against his client and asserted they were the product of a deal between the government and several stock swindlers.

In a 50-minute opening statement to a jury of 10 men and two women in Federal Court, the attorney, Frank Raichle, went into what he termed a "long and sordid story" of how Cohn, a former assistant U. S. attorney who prosecuted cases in the same courtroom, came to be a defendant.

Raichle emphasized that several of the stock fraud figures, who pleaded guilty to fraud in connection with the \$5 million sale of unregistered United Dye & Chemical Co. stock, were still awaiting sentence two years later.

"The Right Tune"

"If they don't sing the right tune, their sentence may be severe," Raichle stated.

Cohn, 37, and a co-defendant, Murray E. Gottesman, 56, also a lawyer, are accused of perjury and conspiracy to obstruct justice. In 1959, the government charges, they successfully kept Samuel S. Garfield, Irving Pasternak, Alfred Roen and Allen K. Swann from being indicted in the United Dye case.

The same four pleaded guilty two years later and are expected to be principal government witnesses.

"Hunted for Conflicts"

The defense attorney said the grand jury indicted Cohn after he was asked 4,851 questions and the government had pored over the minutes, looking for conflicts in his answers.

Raichle said the prosecution would have the jury believe that Cohn arranged to pay a

bribe of \$50,000 from Garfield to Morton M. Robson, then chief assistant U. S. attorney, to keep the four swindlers from being indicted.

The defense attorney said the money supposedly was passed to Robson in a Las Vegas elevator. He said testimony would show that Robson was "never in Las Vegas in his life."

The trial, before Judge Archie O. Dawson, will resume today.

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Set the Stage For 1st Witness In Cohn Case

By JOSEPH COHEN

Interest again centered on dates at the third day of the conspiracy-perjury trial of attorney Roy M. Cohn and another lawyer in Federal Court.

Through the reading of grand jury testimony by Mr. Cohn and co-defendant Murray E. Gottesman the prosecution was laying the groundwork for the appearance of the government's first witnesses.

According to the grand jury minutes Mr. Cohn testified a year ago that he received \$10,000 in cash from promoter-gambler Samuel S. Garfield in 1961, but never made a written record of it.

The Cohn testimony conflicted with the prosecution claims that the only money paid to the defendant by Mr. Garfield was an unspecified amount in 1959. The asserted payment in connection with an alleged conspiracy led to a grand jury indictment that years which failed to name Mr. Garfield and three others as defendants.

\$5-MILLION FRAUD

Mr. Garfield has pleaded guilty in a \$5-million stock fraud case, along with oilman Irving Pasternak, Las Vegas night club owner Allard Roen and Atty. Allen K. Wann. All are expected to testify at the Cohn-Gottesman trial before Judge Archie O. Dawson and a jury of two women and 10 men.

The defense charged that the case against the co-defendants had been "cooked up" by the "little band" of convicted swindlers and Assistant U.S. Atty. Gerald Walpin.

Mr. Cohn's lawyer, Frank G. Reichle, also asserted that the charges against both men were "imagined" by the prosecutor.

The government charges that Garfield paid Mr. Cohn the money to prevent Garfield and the other three from being indicted on criminal charges and that Mr. Cohn went to Mr. Gottesman and that he, in turn, contacted former Assistant U.S. Atty. Morton Robson.

Although the 1969 grand jury did not indict the four a 1961 grand jury did and they pleaded guilty in the United Dye and Chemical Corp. stock fraud case.

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DEAL LAID TO U.S. BY COHN'S LAWYER

Perjury-Conspiracy Case Termed Built on Lies

By HOMER BIGART

Roy M. Cohn's lawyer told a jury yesterday that the Government had made a deal with convicted stock swindlers to obtain Mr. Cohn's indictment on perjury-conspiracy charges.

In hopes of evading long prison terms, the swindlers, according to defense counsel Frank Raichle, lied to a grand jury, saying they had arranged through Mr. Cohn to bribe Morton S. Robson, former chief assistant United States Attorney for the Southern District of New York, to keep them from being indicted in 1959.

The Government opened its case Monday by promising to prove that Samuel S. Garfield, a Las Vegas gambler and promoter, had arranged to pay Mr. Cohn \$50,000 to head off the indictments of Garfield and three others in the \$5 million United Dye and Chemical Corporation stock fraud case.

But the details of this alleged transaction were not revealed in the opening statement of assistant United States Attorney Gerald Walpin.

Statement of Walpin

Mr. Walpin said merely that Murray E. Gottesman, a lawyer and a co-defendant of Mr. Cohn's in this trial, had "contacted Morton Robson . . . on the subject of keeping Garfield (and his three friends) out of the indictment."

Although the 1959 grand jury did not indict the four, they were indicted by a grand jury in 1961. All pleaded guilty to fraud charges. Only one of the four, Irving Pasternak, oil promoter, has been sentenced, and has not yet begun to serve his two and one-half-year jail term.

Mr. Cohn, who gained national prominence as a prosecutor of Communists and as chief aide to the late Senator Joseph R. McCarthy a decade ago, charged before the trial opened that the Government had launched a "vendetta" against him, that Attorney General Robert F. Kennedy and Robert M. Morgenthau, United States Attorney for the Southern District of New York, were especially eager to "get him."

Calls Charges Lies

Yesterday Mr. Cohn heard his defense lawyer assail the Government's charges as lies, the product of deals between the prosecution and convicted swindlers who anticipated clemency.

"If they don't sing the right tune, their sentences may be severe," Mr. Raichle declared.

"They told the grand jury they had arranged through Mr. Cohn to bribe Morton Robson, a distinguished lawyer and dedicated public servant. Oh, these character assassins don't care whose reputation is ruined when their skins are at stake."

He ridiculed prosecution charges that Mr. Cohn had threatened Garfield after learning that Garfield was appearing before the grand jury.

"Preposterous," said Mr. Raichle in a voice quavering with indignation. "Why, the

evidence will show that Garfield seemed to be shopping for a threat."

Garfield had "mob connections," Mr. Raichle went on, and would hardly be vulnerable to threats from Roy Cohn.

Besides, any "red-blooded man," knowing that a convicted swindler was lying about him to a grand jury, would attempt to get word to Garfield: "I'll expose you as a liar," Mr. Raichle said. This was the extent of Mr. Cohn's "threats," the defense lawyer implied.

He told the jury in a 70-minute opening for the defense that the government, in using Garfield and the others as witnesses against Mr. Cohn had made "the most improvident deal since the Indians sold Manhattan."

He said the government would have the jury believe that Mr. Gottesman passed Mr. Garfield's \$50,000 bribe to Mr. Robson in a Las Vegas elevator, but that "the evidence will show that Robson was never in Las Vegas in his life."

In short, Mr. Raichle said, the whole case against Mr. Cohn was "cooked up" by the prosecutor, Gerald Walpin, and a "little band" of swindlers who would "sing for their piece of bread."

Mr. Raichle was followed by Henry K. Chapman, lawyer for Mr. Gottesman, who said that all Mr. Gottesman did was to ask Mr. Robson for permission for Allen K. Swann, a lawyer, to appear before the grand jury. Mr. Swann was one of the four who escaped indictment in 1959.

U. S. Calls First Witness

Then the Government called its first witness, Allan Gerdau, foreman of the grand jury that indicted Mr. Cohn and Mr. Gottesman last September.

Mr. Gerdau said he recalled hearing testimony about alleged bribes: "I think Garfield testified as to the passing of money."

For nearly two and one-half hours, minutes of Roy Cohn's testimony before the grand jury were read. Mr. Walpin read the questions while the role of Roy Cohn, as witness, was portrayed by assistant prosecutor Donald J. Cohn. The two Cohns are not related.

In the testimony, Roy Cohn admitted receiving a fee of \$10,000 from Garfield for various legal services. He said he received the money in a hotel room here. There were no witnesses. No record of the transaction was kept by Mr. Cohn, although he told the grand jury he believed his accountant knew of it.

Allusions to the "vendetta" theme also were contained in the grand jury minutes. Mr. Cohn, the minutes showed, asserted that he was told by a go-between that Garfield said "there were people in the Government who would do anything to get me."

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50 NEW YORK TIMES

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Prosecution Using Cohn's Own Words

By TED POSTON and IRVING LIEBERMAN

The government today was using Roy M. Cohn's own words—his testimony before a 1962 federal grand jury—in an effort to convict him of perjury and conspiracy to obstruct justice.

Cohn, who with attorney Murray E. Gottesman is being tried before Federal Judge Dawson and a jury of 10 men and two women, had testified before the 1962 grand jury which was trying to find out why four men involved in United Dye and Chemical Corp. stock fraud case had not been indicted in a 1959 inquiry.

Asst. U.S. Atty. Walpin started reading Cohn's 1962 testimony into the record yesterday, including Cohn's admission that he had received \$10,000 in cash from one of the men involved.

Cohn had told the jury that Samuel S. Garfield, one of the four men later indicted who pleaded guilty to the stock fraud charges, had given him the money for legal services performed in 1961, although he admitted that he kept no record of the legal work done and did not list the payment in the books of his law firm.

Walpin, in his opening statement, had contended that Cohn had received \$10,000 from Garfield in 1959, shortly after another federal grand jury had failed to indict oil promoter Garfield, Irving Pasternak, also an oil promoter; Allen R. Rosen, a Midwestern lawyer, and Allan Rosen, manager of the Las Vegas Desert Inn, for stock fraud.

The four men were indicted in 1959, however, and entered pleas. All four are expected to testify on Cohn and Gottesman's activities in the original 1959 grand jury investigation.

But the two lawyers are not being tried for their 1959 activities. Cohn and Gottesman were indicted for their testimony before the 1962 grand jury, and for reputedly seeking to obstruct justice in that inquiry by lying and trying to intimidate others

into lying to the grand jurors.

Frank C. Raichle, Cohn's chief defense counsel, has already denounced the four men as "mob-connected swindlers" who are seeking to evade long prison terms by making "a deal" with the government to concoct evidence against Cohn.

"They know that if they don't say the right thing about Cohn and Gottesman, their sentences will be severe," he told the trial jury, pointing out that only Pasternak has been sentenced and that he is out on bail.

The reading of Cohn's testimony—with Walpin reading the questions and Asst. U.S. Atty. Donald J. Cohn (no relation) reading the responses—is expected to continue through today and into tomorrow's session. Gottesman's 1962 grand jury testimony will follow.

After that, Walpin is expected to produce witnesses in an attempt to prove that Cohn tried to get Garfield and Rosen to refuse to cooperate with government investigators, and that he even summoned Moe Dalitz, a partner in the Desert Inn, back from Europe in an alleged effort to exert pressure on the witnesses.

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Cohn's Testimony About Deal to 'Get Him' Told at Trial

By NORMA ABRAMS

In his lengthy appearance before a federal grand jury looking into a \$5 million stock swindle, attorney Roy M. Cohn testified he was told that the government was out to get him and had offered a deal for leniency to the swindlers if they would help nail Cohn.

That testimony was read yesterday before Federal Judge Archie O. Dawson at the trial of Cohn and attorney Murray E. Gottesman on conspiracy and perjury charges.

Cohn told the grand jury, the transcript showed, that Samuel S. Garfield—one of four men who have pleaded guilty to the stock swindle—had a breakfast meeting with Cohn two years ago.

Mentions a "Trade"

"He," said Cohn of Garfield, said the people working on the case, the people in the Justice Department, the people in the U. S. attorney's office, and a special fellow named Shaffer they



Roy M. Cohn

sent up from Washington, were out to get me."

Along with Garfield, those involved in the swindle were Irving Pasternak, Ellard Roen and Allen K. Swann.

"Did he say what was arranged?" Cohn was asked before the grand jury.

"He said," replied Cohn, "apparently it was to trade me for Roen."

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U.S. Attorney Acts Fast

Cohn also testified before the grand jury that Garfield said that William G. Mulligan, a "very good friend" of U.S. Attorney Robert M. Morgenthau, was "working out a deal for Roen particularly."

Assistant U.S. Attorney Gerald Walpin, prosecuting the current trial, moved fast to puncture the Mulligan-Morgenthau tie.

He put into evidence a document showing that Garfield had retained Mulligan as counsel on Nov. 17, 1960. Then Walpin asked the court to take judicial notice that Morgenthau did not take office as U.S. attorney until April 18, 1961.

Other of Cohn's grand jury testimony read into the trial record told of other meetings of Garfield with Cohn.

Cohn said Garfield reported that a deal had been worked out through which Garfield would get a light sentence and Roen would get off entirely. But that deal, Cohn said Garfield told him, was being blocked by the Securities and Exchange Commission.

Hear Jury Minutes at Cohn Trial

The jury trying lawyer Roy M. Cohn for perjury and conspiracy hears today more of the grand jury minutes in which Mr. Cohn alleged he was to be victimized in a deal between the Government and convicted swindlers.

According to the transcript read in Federal Court yesterday, Mr. Cohn told the grand jury last year about a conversation he had with Samuel S. Garfield, a Las Vegas gambler and promotor and one of four persons facing prison in a stock fraud case.

Mr. Cohn said Garfield told him in November, 1960, he had engaged a lawyer who "was a good friend" of U. S. Atty. Robert M. Morgenthau and could make a deal with him. The attorney was identified as William G. Mulligan.

PLEADED GUILTY

The deal, according to Mr. Cohn's testimony was to involve light treatment for Garfield and Allart Roen, who with two other men pleaded guilty to the fraudulent sale of United Dye and Chemical Corp. Stock. Mr. Cohn said Garfield told him it was "on his conscience" that Cohn was apparently to be the victim of the deal.

Mr. Cohn contended Garfield and Roen were being pressed by Federal authorities to tell of an alleged attempt to bribe former Asst. U. S. Atty. Morton Robson.

Mr. Cohn, former chief counsel to the late Sen. Joseph McCarthy's Senate subcommittee, and co-defendant Murray Gottesman, another lawyer, are on trial for perjury and conspiracy to obstruct justice.

The government contends Mr. Cohn arranged for Gottesman to "contact" Robson about preventing the indictment of Garfield, Roen, Irving Pasternak and Allen K. Swann. Mr. Cohn also is charged with lying to a grand jury and threatening and intimidating other prospective witnesses.

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The Jurors Hear More — Of the Words of Roy Cohn

BY TED POSTON and IRVING LIEBERMAN

The perjury-conspiracy trial of Roy M. Cohn went into its fourth session today in federal court with a play-within-a-play element which seems to fascinate the jury of 10 men and two women.

For the third straight day, Asst. U. S. Atty. Walpin continued to read into the record the testimony of Cohn before a March, 1962, federal grand jury which eventually indicted him and attorney Murray E. Gottesman in an aftermath of the \$5,000,000 United Dye and Chemical Corp stock fraud case.

But the air of near-fantasy is produced by the man who reads Roy Cohn's 1962 responses to questions which were originally asked by Walpin himself. The answers are read by Donald J. Cohn, another Assistant U. S. attorney—and in a voice that closely approximates Roy Cohn's manner of speech.

Don Cohn, 34 to Roy's 37, is no relative. But there are certain similarities. Both are about the same height, although Don, a former center and line backer on Princeton's football varsity, is much broader in build.

But it is the manner of his response which seems to fascinate a jury which ordinarily would be bored with three straight days of transcript testimony. His voice sounds remarkably like that of the one-time boy wonder in finance who earlier was chief counsel for McCarthy's Senate Investigating subcommittee.

There was indignation in it when Don read Roy's 1962 testimony that he had been informed that U. S. Attorney Morgenthau and the Justice Dept. were out to "get him."

There was the patient element of a grown-up talking down to children in it when he used Roy's words to explain how Cohn accepted \$10,000 in cash from Samuel S. Garfield, a confessed swindler in the United Dye case, but made no record of it.

And there was definite insinuation and a slight sense of outrage when Don read Roy's charge that Garfield had hired

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a certain lawyer in 1960 because he had heard that the lawyer was "a good friend" of Morgenthau's.

(Unfortunately for the defense, there was no Roy Cohn response available yesterday when Walpin quickly refuted the charge by pointing out that the lawyer was hired by Garfield five months before Morgenthau was sworn in as U. S. Attorney here.)

The March, 1962 grand jury testimony is being read into the record in an effort to prove that Cohn and Gottesman committed perjury and tried to get

others to lie when the 1962 jurors began investigating their activities in an earlier 1959 grand jury investigation which did not name Garfield and three other admitted swindlers among several persons indicted in the stock fraud.

The reading of Roy Cohn's 1962 testimony will take up most of today's session. But Don Cohn's biggest test will come later:

How well will he be able to emulate the response of the tall, louder-voiced, slower-speaking Gottesmen when he reads his 1962 answers to the trial jury?

Government Rebuts Cohn's Grand Jury Testimony

By Milton Lewis

Of The Herald Tribune Staff

The government quickly rebutted yesterday certain grand jury testimony given by Roy M. Cohn, on trial for perjury and obstruction of justice.

Mr. Cohn had quoted a confessed swindler as having told him that he had retained a certain lawyer because the lawyer "was very close to" and "could make a deal with" U. S. Attorney Robert M. Morgenthau.

Assistant U. S. Attorney Gerald Walpin brought out, for a Federal Court jury, that the swindler, Samuel S. Garfield, was initially indicted for stock fraud during a Republi-

can administration in November, 1960, and hired the lawyer with "connections," William G. Mulligan, that same month. This occurred five months before Mr. Morgenthau took over with the change to a Democratic administration.

Further, the records showed, Mr. Morgenthau went before another grand jury and won a fresh, superseding indictment against Garfield and three of his fellow swindlers on stock fraud charges in July, 1961—an indictment to which all four pleaded guilty. Garfield and two of the other three are yet to be sentenced. They are expected to be called as government witnesses

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against Mr. Cohn, who is accused of conspiring to save them from being indicted.

About the time that superseding indictment came through in 1961, according to Mr. Cohn's grand jury testimony, Garfield told him that the "deal" had collapsed—not because Mr. Morgenthau was unwilling to go along but that the Securities and Exchange Commission would not stand for any hanky-panky.

It is the contention of the prosecution that this Cohn grand jury testimony was nothing but a pack of lies.

Mr. Cohn, before the grand jury, quoted Garfield as saying that the Justice Depart-

ment was really interested in getting Mr. Cohn and that it was willing to swap another defendant for him. This is further perjury, according to the government.

And after the "deal" fell through, according to Mr. Cohn's grand jury testimony which was read in open court, Garfield told him he would like to dump Mr. Mulligan as his lawyer.

It developed that Thomas McGinty, described as a part owner of the Desert Inn in Las Vegas, was all for Garfield's holding on to Mr. Mulligan—and, according to Mr. Cohn's testimony, he agreed with Mr. McGinty "even though Mr. Mulligan had

represented the Communist branch of the Teachers Union."

Is Mr. McGinty a lawyer?" Mr. Walpin had asked Mr. Cohn in the grand jury room.

"No, but he has had experience with the law."

"How so?"

"As a defendant, several times. He was involved in a rather celebrated case in Ohio about 20 years ago. . . . And Mrs. McGinty is very social."

Mr. Cohn was asked in the grand jury why, since he had represented Garfield in various matters, he did not handle Garfield in 1959, when the grand jury was investigating the \$5 million United

Dye & Chemical Corp. stock swindle.

Mr. Cohn replied that he avoided handling any cases in Manhattan Federal Court and besides:

"There was not an overly cordial atmosphere between myself and the U. S. Attorney's office."

But what he did do, Mr. Cohn testified, was to go to the U. S. Attorney's office in 1960 and learn that Leonard Glass, then an assistant prosecutor, was handling the stock swindle inquiry.

"I told Mr. Glass," Mr. Cohn testified, "that Garfield said he had done nothing wrong. Mr. Glass said that was a serious matter."

Garfield then along to Garfield, who said, "It looks like I need a lawyer." I said, "Yes, it does."

But Garfield was not indicted in 1960, and the government contends that it was Mr. Cohn and his co-defendant, lawyer Murray E. Gottesman, who saved him and three others from being named.

JURY DATA READ AT TRIAL OF COHN

He Told Panel Prosecutor
Was Out to 'Get' Him

By HOMER BIGART

Roy M. Cohn told a Federal grand jury last year that he had information that the Justice Department and United States Attorney Robert M. Morgenthau were "out to get me."

The charge was contained in the grand jury minutes that were read into the record at the perjury and conspiracy trial of Mr. Cohn yesterday.

The defendant told the grand jury that his informant was Samuel S. Garfield, a Las Vegas gambler and promoter who has pleaded guilty with three other men to involvement in the \$5 million United Dye and Chemical Corporation stock fraud case. The grand jury was investigating why the four had not been indicted by a 1969 grand jury.

According to Mr. Cohn, Garfield told him in November, 1960, that he was engaging a lawyer, William G. Mulligan, who was "a good friend" of Mr. Morgenthau. Garfield said Mr. Mulligan had indicated he was "working out a deal with Mr. Morgenthau." Mr. Cohn testified.

Light Sentence Expected

Under the alleged deal Garfield would "get some kind of a light sentence," and another defendant, Allard Roen, manager of the Desert Inn in Las Vegas, would "walk out free."

The Government wasted no time in attacking that part of Mr. Cohn's complaint in which he charged that he was the target of a "vendetta" by Mr. Morgenthau and Attorney General Robert F. Kennedy.

Assistant United States Attorney Gerald Walpin interrupted the reading of Mr. Cohn's year-old testimony to put into evidence the Government's second exhibit in the three-day-old trial—a formal notice of appearance filed by Mr. Mulligan as counsel for Mr. Garfield.

The paper was dated Nov. 10, 1960. Mr. Morgenthau did not take office until April 18, 1961.

Stressing this discrepancy, the prosecutor asked the court to take notice of the fact Mr. Morgenthau was not in office when Mr. Cohn alleged he first heard of "the deal."

"Yes," Judge Archie O. Dawson agreed. "I remember the day he [Morgenthau] was sworn."

1962 Meeting Recalled

Mr. Cohn further testified that his informant Garfield told him at a breakfast meeting in 1962 that Garfield and Roen were being pressed to tell what they knew of an alleged bribe supposedly offered to Morton S. Robson, former chief assistant, United States Attorney, to keep them from being indicted in 1959.

Garfield went on to say, according to Mr. Cohn's testimony, that it was "on his conscience" that Mr. Cohn was apparently to become the victim of the "deal" arranged by the new administration in the United States Attorney's office.

"Did he say what had been arranged?" Mr. Cohn was asked before the grand jury.

"He said apparently to trade me for Mr. Roen," Mr. Cohn had replied.

Mr. Cohn said he was told later by Garfield that although the "deal" was "cleared with Mr. Morgenthau" it never went through because of objections from the Securities and Exchange Commission. Garfield, said Mr. Cohn, reported that the S.E.C. lawyer, Edward Jaggerman, "raised the roof" because "the bad ones were making all the deals and walking off."

Mr. Cohn said he advised Garfield at the time not to retain Mr. Mulligan, but to get another lawyer to represent Roen.

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J. S. Aide Is Mentioned

The name of Leonard Glass was heard for the first time in the trial when Mr. Cohn's grand jury testimony describing his visit to Mr. Glass was read into the record.

Mr. Glass, then assistant United States Attorney on the staff of Mr. Robson, handled the United Dye case when it came before the 1959 grand jury. That was the jury that failed to indict Garfield, Roen and Irving Pasternak, oil promoter, and Allen K. Swann, a Midwestern lawyer.

Mr. Cohn said he called on Mr. Glass after Garfield, worried over reports that he was about to be indicted, asked Mr. Cohn to represent him. Mr. Cohn said he told Mr. Glass that Garfield felt he had "done nothing wilfully wrong."

According to Mr. Cohn, Mr. Glass merely confirmed that a stock fraud investigation was under way and that Garfield and Roen were involved.

Although they escaped indictment in 1959, Garfield, Roen, Pasternak and Swann were indicted later and entered guilty pleas.

Cohn, Gottesman Said To Have Invented Tale Of United Dye Meeting

Prosecutor Maintains Story Was
Made Up to Provide Legitimate
Reason for Visit With Official

By a WALL STREET JOURNAL Staff Reporter

NEW YORK — The Government began its drive to prove Roy M. Cohn and Murray E. Gottesman perjured themselves by inventing the story of a 1959 meeting they had with two figures in the United Dye & Chemical Corp. stock fraud case.

A 10-count Federal indictment charges Mr. Cohn and Mr. Gottesman lied to a Federal grand jury in 1962 and 1963 and conspired to obstruct justice. The grand jury was investigating the two lawyers' relations with four defendants in the United Dye case.

The Government's first major witness, Special Agent Martin F. Maher, of the Federal Bureau of Investigation, took the stand late yesterday. He related an interview he had with Mr. Gottesman on May 9, 1961, more than a year before Mr. Gottesman gave his questioned testimony about the meeting to the grand jury in June 1962.

Mr. Maher said he questioned Mr. Gottesman closely about his activities in the United Dye case. But he said Mr. Gottesman never mentioned such a 1959 meeting during the interview or brought up the names of Mr. Cohn, Samuel Garfield and Allen K. Swann, the other men who supposedly were present.

Reason for Visit

The Government contends the story of the meeting was made up to support Mr. Gottesman's account of why he visited Morton Robson, then chief assistant U.S. attorney for the Southern District of New York, shortly before the first indictment was filed in the United Dye case.

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The Government's case is based on accusations that Mr. Cohn, and through him, Mr. Gottesman, were hired to keep Garfield, Swann, Allard Roen and Irving Pasternak from being named defendants in the United Dye case in 1959. However, the Government hasn't formally charged Mr. Cohn and Mr. Gottesman with such a crime.

The Government alleges Garfield spoke to Mr. Cohn, who spoke to Mr. Gottesman, who spoke to Mr. Robson. Garfield, Swann, Roen, and Pasternak weren't indicted in the first indictment, filed Aug. 25, 1959. They were made defendants in a second indictment in 1960 and pleaded guilty in early 1962.

The defense contends that Mr. Cohn, who had done some legal work for Garfield, and Mr. Gottesman met with Garfield and Swann shortly before the 1959 indictment. The purpose stemmed from reports by Garfield that a grand jury was investigating United Dye. And, the story continues, Mr. Cohn recommended that Mr. Gottesman be retained to ascertain if Swann, a lawyer, would be permitted to tell the grand jury about legal advice he had given Garfield. If true, this provides Mr. Gottesman with a legitimate reason for his contacts with Mr. Robson.

Mr. Robson hasn't been charged with any crime; he has stated he did nothing improper.

Agent Maher recounted a different story. He said Mr. Gottesman told him this: In the late spring or early summer of 1959, an individual came to see Mr. Gottesman, apparently because of his reputation as a lawyer. The man told Mr. Gottesman he might be indicted in a matter connected with United Dye, but persuaded Mr. Gottesman the Government's case was weak. Mr. Gottesman then called Mr. Robson, a long-time friend, and asked him to assure himself that a "young" assistant U.S. attorney wasn't about to indict someone in error. The man wasn't made a defendant in the 1959 indictment.

Mr. Maher said Mr. Gottesman wouldn't give the man's name because of the "client-lawyer relationship." The agent asked if it was Garfield or Pasternak, and Mr. Gottesman replied that he only could say it wasn't Pasternak. Mr. Maher added that Mr. Gottesman said this was the extent of his participation in the United Dye case.

On cross-examination, Frank G. Raichle, Jr., Mr. Cohn's attorney, brought out that the agent hadn't specifically asked Mr. Gottesman

about the 1959 meeting or asked if he had met with Swann or Mr. Cohn. Court was adjourned before the cross-examination was completed; it will resume when court reconvenes Monday morning.

First Witness

Mr. Maher, who took the stand 20 minutes before the end of the fourth day of the trial yesterday, was the first witness since Tuesday morning. At that time, Assistant U.S. Attorney Gerald Walpin briefly questioned the foreman and deputy forelady of the grand jury. Then he and Assistant U.S. Attorney Donald J. Cohn began reading into the court record excerpts from the defendants' grand jury testimony. The reading took more than 14 hours and filled up 2½ days of the trial.

Shortly before the noon recess yesterday, the Federal prosecutors created a stir by insisting, over defense objections, on reading testimony that linked Roy Cohn with two notorious underworld figures, Gerardo Catena and Meyer Lansky. Catena is reputedly the acting head in New Jersey of the Cosa Nostra "family" ruled by Vito Genovese, who is in Federal prison. Lansky is a New York hoodlum who currently lives in Florida.

Under questioning before the grand jury in April 1963, Mr. Cohn admitted he had played golf two or three times with Catena, when Catena was trying to obtain the vending machine concession at Lionel Corp.'s plant at Hillside, N.J. Mr. Cohn formerly controlled Lionel and was its chairman. Catena didn't get the concession for his company, Runyan Sales Co.

Mr. Cohn said he had met Lansky in Florida once when Lansky was with Garfield.

Under further questioning before the grand jury, Mr. Cohn denied he had discussed the United Dye case or his own difficulties with the Government with Catena.

Defense counsel protested that the testimony about Mr. Cohn's acquaintance with Catena and Lansky wasn't related to the trial. But Mr. Walpin declared it was "highly relevant." He didn't say how.

Mr. Cohn has charged that the Justice Department is conducting a "vendetta" against him and that Garfield and Swann have lied about him to the Government in order to get light sentences in the United Dye case.

Cosa Nostra Thug-Cohn's Going Pal

By William L. ...

By the Grand Jury ...

Mr. M. Cohn testified that he was a golfing companion of Jerry Catena, who has been called Vito Genovese's "underboss" in the Cosa Nostra.

Mr. Cohn's April, 1961, grand-jury testimony—considered significant by the government—was read yesterday at his Federal Court trial on jury-conspiracy charges. According to the true bill, Mr. Cohn, "by threats," attempted to "influence, intimidate and impede" witnesses before the grand jury that indicted him.

Mr. Cohn told the panel that besides golfing with Catena—"once a year at his club and once a year at my club"—he had also met another gangster and graduate of Harvard, Inc., Meyer Lansky, on a few occasions.

But, Mr. Cohn insisted, he never had any business dealings with "Mr. Lansky" and he certainly did not ask "Mr. Catena" to do anything about the grand jury investigation.

Mr. Cohn explained that Catena was president of "Rumyan Sales," which he described as a huge vending-machine company on the East Coast, and that Catena wanted the vending-machine concession in "the Lionel plant in Hialeah, N. J." It did not come out whether Catena got it or not. Mr. Cohn formerly was connected with Lionel Corp.

Mr. Cohn conceded it was possible we talked about Sammie S. Garfield or William D. Fugary, saying there "was some discussion about Mr. Fugary ... but not about Mr. Fugary's grand-jury testimony." Catena, according to Joe Valachi last fall before the McClellan Senate Rackets Committee, was Vito Genovese's "underboss" in the Genovese family and was running the store while Genovese served 15 years in Leavenworth Penitentiary for pushing dope internationally.

Both Garfield and Mr. Fugary, a friend and business associate of Mr. Cohn's, are to be called as prosecution witnesses against Mr. Cohn. Garfield, in oil and Las Vegas gambling ventures, pleaded guilty with three other manipulators in 1962 to being part of a \$5 million swindle involving United Dye & Chemical Corp. stock.

Mr. Cohn, who was counsel to the Senate investigating committee, it was learned by the New York Times Joseph E. McClellan, and his co-defendant, James Murray E. Gottesman, are accused of conspiracy to obstruct justice in allegedly fixing it so that Garfield and his three fellow crooks would not be indicted in 1959. The four men were not indicted then, but their luck ran out in 1960—and they were indicted.

The 10-minute trial completed, FBI agent Martin F. Maher took the stand. He testified that on May 9, 1961, Mr. Gottesman told him that in 1960 he (Gottesman) advised then chief assistant U. S. Attorney Morton S. Rosen, that he felt the government did not have a good stock-swapping case against a certain individual, believed to be Garfield.

Later in 1960, the agent quoted Mr. Gottesman as saying, Mr. Rosen called back to say that the individual had not been indicted. In his opening to the jury on Monday, prosecutor Walpin said Mr. Gottesman, at Mr. Cohn's direction, got in touch in 1959 with Mr. Robson to discuss "the subject matter" of saving Garfield and the three other swindlers from being indicted.

Later in 1960, the agent quoted Mr. Gottesman as saying, Mr. Rosen called back to say that the individual had not been indicted. In his opening to the jury on Monday, prosecutor Walpin said Mr. Gottesman, at Mr. Cohn's direction, got in touch in 1959 with Mr. Robson to discuss "the subject matter" of saving Garfield and the three other swindlers from being indicted.

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Cohn Seeking Help Of Bernard Baruch

By TED POSTON and IRVING LIEBERMAN

Roy M. Cohn, erstwhile boy wonder in the world of finance, today asks help from a noted financier. Cohn is seeking to escape conviction on a perjury-conspiracy indictment growing out of the \$5,000,000 United Dye and Chemical Corp. stock fraud case.

With the federal court trial in recess over the Good Friday and Passover holidays, Cohn's attorney, Frank Raichle, takes a deposition from Bernard Baruch as a character witness for the former chief counsel of the McCarthy Senate Investigating subcommittee.

Baruch's statement, which will be witnessed by the prosecution, will be read later to the jury of 10 men and two women hearing the case before Judge Dawson.

Cohn and attorney Murray E. Gottesman are being tried on charges of perjury and of attempting to get other witnesses to lie to a 1962 federal grand jury which was looking into their alleged activities in connection with a 1959 federal investigation of the United Dye stock frauds.

Four Pleaded Guilty Later

Asst. U.S. Atty Walpin has charged that Cohn and Gottesman played a part in the failure of the 1959 jury to indict four admitted stock swindlers—Samuel S. Garfield, Allen Roon, Irving Pasternak and Allen K. Swan—in the United Dye case. All were indicted later by subsequent grand juries, however, and entered guilty pleas to stock fraud charges.

Before yesterday's recess, Walpin spent three days reading into the trial record both Cohn's and Gottesman's testimony before the March, 1962, grand jury which indicted them.

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Cohn's testimony revealed that he had accepted an unrecorded \$10,000 in cash from Garfield, and that he and his law associates had maintained a four-year association with the oil promoter despite Cohn's disclaimer that he ever had been Garfield's lawyer in the United Dye case.

Gang Associations

Cohn had also admitted that Garfield had introduced him to gambler-racketeer Meyer Lansky on several occasions, and that he, Cohn, had been a golfing and dinner companion on occasions of Jerry Catena, the New Jersey racketeer who, underworld informer Joe Valachi said, succeeded imprisoned Vito Genovese as head of the Cosa Nostra crime syndicate.

Late yesterday Walpin called the government's first substantive witness to challenge some of the testimony which Gottesman had given before the March, 1962, grand jury.

Gottesman had testified that he had been the lawyer for Garfield and Swan in 1959, although he said that neither had signed a retainer for his services, and that he never had submitted a bill to either.

Made Plea for Swan

Gottesman said he went to see then Chief U. S. Asst. Atty. Mark Robson in 1959 to tell him that Swan was a lawyer whose career might be ruined if he was unfairly indicted in the United Dye case.

Walpin produced Gottesman's 1959 office diary which made no mention of Cohn, his law associates, Robson, Garfield or Swan, and then called FBI agent Martin F. Maher, who told the trial jury that Gottesman mentioned none of those names when he questioned him about his activities in the United Dye

case on May 9, 1961.

He said Gottesman told him "an individual" had come to him for legal services and that he had gone to ask Robson to look into the case "so that no one would be indicted by error."

Maher's FBI partner, James Blasingame, is expected to follow him to the witness stand Monday.

(Mount Clipping in Space Below)

U.S. Begins Calling Witnesses In Roy Cohn's Perjury Trial

By HOMER BIGART

The Government began calling witnesses late yesterday in its effort to prove that Roy M. Cohn lied under oath before a Federal grand jury last year.

Mr. Cohn, who was chief aide to the late Senator Joseph R. McCarthy in the controversial hunt for Communists in Government a decade ago, is on trial in United States District Court here for perjury and conspiracy to obstruct justice.

The 10-count indictment against Mr. Cohn and Murray E. Gottesman, a lawyer, bears heavily on their testimony concerning a purported meeting in a New York hotel in 1959. The Government contends that the meeting never took place, that the whole story was fabricated by Mr. Cohn and supported in grand jury testimony by Mr. Gottesman.

According to Mr. Cohn and Mr. Gottesman, the meeting was called for the purpose of discussing defense strategy for Samuel S. Garfield, Las Vegas gambler and oil promoter. Garfield was under investigation at the time as an alleged participant in the \$5,000,000 United Dye and Chemical Corporation stock swindle and feared imminent indictment.

Mr. Cohn, in his grand jury testimony, said he had arranged for Mr. Gottesman to represent Garfield. The meeting in Garfield's suite was also attended by Allen K. Swann, a midwestern lawyer, who also faced indictment in the stock swindle.

Both Mr. Cohn and Mr. Gottesman testified that it was agreed at the meeting that Swann should go before the grand jury and testify to having advised Garfield that, in his opinion, Garfield's proposed dealings in United Dye stock would be legal.

Mr. Gottesman testified that he arranged for Swann's grand jury appearance by visiting Morton Robson, then Chief Assistant United States Attorney, and asking Mr. Robson to "re-evaluate the entire case."

Indictments Escaped

Garfield escaped indictment. So did Swann and two other defendants, Allard Roen, manager of the Desert Inn, Las Vegas, and Irving Pasternak, an oil promoter.

But all four were named in a subsequent indictment and all have pleaded guilty.

After the United States Attorney's office came under Democratic administration, that office began taking a lively interest in how the four escaped indictment in 1959.

On May 9, 1961, an agent of the Federal Bureau of Investigation called on Mr. Gottesman.

That agent, Martin F. Maher, a tall, lean veteran of sixteen years in the F.B.I., was the first substantive witness called by the Government.

Mr. Maher said that when he asked Mr. Gottesman to explain his participation in the handling of the 1959 investigation by the United States Attorney's office, Mr. Gottesman said that an "individual" had asked Mr. Gottesman to represent him.

(Indicate page, name of newspaper, city and state.)

9 NEW YORK TIMES

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The "individual" told Mr. Gottesman of an assistant United States attorney who had been "arrogant and brusque" in interviewing him and who had indicated that "he would have the individual indicted."

"From what the individual told him, Mr. Gottesman said he felt the United States didn't have a good case," Mr. Maher testified.

"Mr. Gottesman said many assistant United States attorneys are young and over-zealous and so he contacted Mr. Robson and told Mr. Robson he had been contacted by an individual and didn't feel the United States had a good case," Mr. Maher continued. "He said he asked Mr. Robson to look into the matter lest some assistant indict the individual in error."

"Mr. Gottesman said he subsequently heard that the individual had not been indicted. He said it was possible that Mr. Robson had called him later and told him the individual hadn't been indicted. Mr. Gottesman said that had been the extent of his participation."

"Who was the individual?" asked prosecutor Gerald Walpin. "He did not feel he could mention the individual's name," replied Mr. Maher.

Asks Identity

But then Mr. Maher had asked: "Was it Garfield or Pasternak?" He said Mr. Gottesman replied: "It was not Pasternak."

"Did Gottesman ever tell you this man had been referred to him by Cohn?" asked Mr. Walpin.

"No," said Mr. Maher.

"Was Swann's name mentioned?"

"No."

"Did Gottesman ever tell you of a meeting with Garfield, Swann and Cohn or that he had asked Robson to arrange for Swann to testify before the grand jury?"

"No sir."

Under cross-examination by Mr. Cohn's lawyer, Frank Raichle, Mr. Maher said he had not mentioned Swann's name to Mr. Gottesman nor had he asked about Swann's appearance before the grand jury.

Mr. Maher came to the witness stand after more than two days of readings of excerpts from the grand jury testimony of Mr. Cohn and Mr. Gottesman.

The excerpts contained admissions by Mr. Cohn that he was acquainted with Gerald (Jerry) Catena, described by the Senate Rackets Committee as "No. 2 Man" in the Vito Genovese unit of the Cosa Nostra, and with Meyer Lansky, gangster. Mr. Cohn said he scarcely knew Lansky but that he had played golf two or three times with Catena.

By injecting the name of Catena into the case, the Government hopes to show that "muscle" was behind Mr. Cohn's alleged efforts to impel Garfield to give false testimony before the grand jury.

Judge Archie O. Dawson adjourned the trial until Monday.

Grand Jury's Minutes Add Zest to Cohn Trial

By NORMA ABRAMS

The Federal Court perjury and conspiracy trial of lawyers Roy M. Cohn and Murray Gottesman was enlivened yesterday by reading of the minutes of grand jury testimony by Gottesman concerning a meeting which the government contends never took place.

Gottesman said that the meeting was held in the Hotel Plaza back in 1959 after he had been retained as attorney by Samuel S. Garfield, a Las Vegas gambler, and Allen K. Swann, also an attorney. Also present was Cohn, who had recommended that Garfield and Swann hire Gottesman.

Only Met Once, He Said

According to Gottesman's testimony, given to a grand jury a year ago, that meeting was the only time he ever met Garfield and Swann. The only result of it, he said, was that he went to Morton S. Robson, then chief assistant U. S. attorney, and suggested that Swann be allowed to testify before a grand jury.

He said he learned later that Swann did testify. This was the 1959 grand jury which failed to indict Swann, Garfield, Ellard Roen and Irving Pasternak in the \$5 million United Dye and Chemical stock fraud. They were indicted two years later and pleaded guilty. They are still awaiting sentencing.

The prosecution later put an FBI man, Martin F. Maher, on the stand, in an attempt to show that Gottesman met Garfield under different circumstances.

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Key Evidence Near In Roy Cohn's Trial

By TED POSTON

The government today prepared to bring up its big guns in its effort to convict Roy M. Cohn of perjury and conspiracy on a 10-count indictment growing out of the \$5,000,000 United Dye and Chemical Corp. stock fraud case.

After a week devoted mainly to reading the testimony of Cohn and attorney Murray E. Gottesman before the 1962 federal grand jury that indicted them, Asst. U.S. Atty. Walpin has started producing witnesses in an attempt to prove that both men lied to the grand jury.

First witness scheduled today is FBI agent James Blasingame, who, with fellow agent Martin F. Maher, questioned Gottesman when the Justice Dept. was trying to find out if he and Cohn played a part in the failure of a 1959 federal grand jury to indict four confessed swindlers in the United Dye stock fraud.

Maher, as the first substantive prosecution witness, has already challenged much of Gottesman's grand jury testimony. He took the stand Thursday before Federal Judge Dawson and a jury of 10 men and two women.

But the major prosecution witnesses in the case will be at least two of the four men the two lawyers reputedly aided in escaping indictment in 1959—Samuel S. Garfield and Irving Pasternak, both gambler-oil promoters; Allen K. Sann, a Midwest lawyer, and Allard, Rom, manager of the Las Vegas Desert Inn.

(Indicate page, name of newspaper, city and state.)

6 NEW YORK POST

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Edition: LATE CITY
Author: TED POSTON
Editor: DOROTHY SCHIFF
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Character: BRIBERY
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All four were later indicted by a federal grand jury empaneled in 1961 by U. S. Attorney Morgenthau, and all four have pleaded guilty to the stock fraud charges. Garfield and Roen are regarded as sure prosecution witnesses against Cohn and Gottesman, and the other two may be called also.

His Relation With Garfield

Much of Cohn's grand jury testimony, which consumed nearly three days in transcript reading, dealt with his relations with Garfield.

In it, Cohn admitted receiving \$10,000 in cash from Garfield but making no record of it. He also said that the gambler-promoter had introduced him to gambler Meyer Lansky.

Cohn told the grand jury too that he had golfed and dined with Jerry Catena. Catena, according to informer Joe Valachi's testimony to the McClellan Committee, was the New Jersey racketeer who succeeded imprisoned Vito Genevese as head of the Cosa Nostra crime syndicate.

Cohn told the grand jury that the \$10,000 was in payment for some legal work he had done for Garfield prior to the United Dye and Chemical Corp. investigation. He admitted, however, that he kept no record of the time spent working on the case, nor did he list the payment in his law firm's book.

In his opening statement, Walpin disputed Cohn's account. The prosecutor insisted that the \$10,000 was part of several payoffs made during a conspiracy to prevent the indictment of the four men in 1959. He is calling Garfield as a supporting witness.

Cohn and Gottesman were not indicted for bribery, nor for any role they may have played in the 1959 United Dye investigation. Both were indicted on charges of ~~being~~ aiding to the March 1962 grand jury.

(Mount Clipping in Space Below)

COHN IS ACCUSED OF BRIBERY DEAL

Court Told He and Former
U.S. Aide Split \$50,000
in Stock Fraud Case

By HOMER BIGART

The Government's star witness against Roy M. Cohn testified yesterday that he had split \$50,000 between Mr. Cohn and a former chief assistant United States attorney to escape indictment in a 1959 stock fraud case.

The witness, Samuel S. Garfield, testified in Federal Court that he handed \$16,666 to Mr. Cohn in the lobby of the Desert Inn at Las Vegas, Nev., in September, 1959.

He said he had arranged with an associate to pay the other two-thirds of the \$50,000 to Morton S. Robson, former chief assistant Federal attorney, in August of that year. He said that Mr. Cohn had dictated the Robson payment and that he had never met the former official.

Spectators Strain to Hear

Garfield, a confessed stock swindler, spoke so quietly that spectators, mesmerized by the taut courtroom scene, strained to catch every word.

Garfield said he had arranged to have Mr. Robson paid in Las Vegas by Allard Roen, the manager of the Desert Inn.

According to Garfield's story, the payoff was to enable Garfield, Roen, Irving Pasternak, an oil promoter, and Allen K. Swann, their attorney, to have their names left off the 1959 indictment in the \$5 million United Dye and Chemical Corporation stock fraud case.

The four were not named in 1959 but they were subsequently indicted in 1960 and

(Indicate page, name of newspaper, city and state.)

1 NEW YORK TIMES

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1961. All four pleaded guilty in 1962.

Mr. Robson, who has not been charged by the Government, told reporters last night that he would appear as a defense witness. He was subpoenaed last week.

Mr. Robson branded the Garfield testimony "a vicious lie."

"I have never in my life been to Las Vegas, nor have I ever met, seen or spoken to Garfield or Roen, the man who is supposed to have paid me the money," he said.

"The record should also be clear, once and for all, that the four individuals who were not indicted in 1959, including Garfield and Roen, were under continuous investigation by my office for almost two years thereafter while I was chief assistant United States attorney and United States attorney.

"They were indicted in November, 1960, while I was still chief assistant, and the investigation continued while I was United States attorney.

"It was this investigation which provided the basis for the indictment obtained in July, 1961, by the United States attorney's office under Mr. Morgenthau.

"At my request I voluntarily appeared before the grand jury and testified fully with respect to the matter, and I am prepared to testify under oath at any time if I am called as a witness."

Succeeded by Morgenthau

Mr. Robson, a Republican, served as interim head of the office of the Southern District of New York from Feb. 1, 1961, to April 15, 1961, when he was succeeded by Robert M. Morgenthau, a Democrat.

The Government had not wanted to involve Mr. Robson in this trial. The 10-point indictment against Mr. Cohn does not allege bribery, but perjury and conspiracy to obstruct justice.

During his direct examination of Garfield, Gerald Walpin, chief of the special prosecutions division, tried to head off any discussion of what happened to the two-thirds of the payoff, that was not allegedly given to Mr. Cohn.

When Garfield told of paying Mr. Cohn "one third of the \$50,000—the balance that was due," Federal Judge Archie O. Dawson broke in: "How about the other two-thirds?"

Mr. Walpin started to explain that "the issues of this indictment are narrower . . . the Government is trying to keep the issues and facts . . ."

"All right, go ahead," Judge Dawson said without waiting to hear all of it. The mystery endured for another hour.

Then under cross-examination, Garfield was obliged to describe the alleged arrangements for paying Mr. Robson.

"I called Cohn and asked who this fellow is that's going to pick up two-thirds of the \$50,000," Garfield testified. "He gave me the name Robson."

Frank Raichle, attorney for Mr. Cohn, snorted in disbelief. But Garfield persisted: "I sure didn't get the name out of the air."

Phone Call Described

Garfield said he had instructed Roen by telephone from New York to draw the money at the cashier's cage in the Desert Inn and give it to Mr. Robson on Aug. 23.

"I have a lot of credit out there," explained the short, bald witness.

On the evening of Aug. 23, Garfield said, Roen reported by telephone that he had paid the money to Mr. Robson.

"Haven't you subsequently learned that Robson was never in Las Vegas?" thundered Mr. Raichle.

"I heard it," replied Garfield with a shrug.

The Government's case against Mr. Cohn, a lawyer and businessman, rests heavily on Garfield and Roen. They have never been sentenced, although, as Mr. Cohn's counsel drily noted, they pleaded guilty two years ago.

The defense sought to knock down Garfield's testimony by implying that he made a deal with the Government to win leniency.

The defense also tried to discredit Garfield by recalling that he was also under indictment in another stock fraud case and that he had once pleaded guilty to misdemeanor charges of running a gambling house in Evansville, Ind.

Garfield, who identified himself as an oil promoter, had seemed soft spoken and even rather timid under cross-examination. Judge Dawson had to ask him to speak into a microphone. But he bore up well enough under the opening blast of Mr. Raichle's cross-examination, which will continue today.

Threat Alleged

At the outset of direct examination, Garfield said flatly that he had never met Murray E. Gottesman, an attorney and co-defendant in the trial.

There was a dramatic confrontation when Gottesman, who is tall and thin, strode to within a few feet of the witness box and glared at Garfield. The witness insisted that "I don't think I ever saw him before."

Mr. Gottesman had claimed that he met Garfield, along with Mr. Cohn and Swann, at a meeting in New York in 1959, after Mr. Cohn had arranged for him to represent Garfield. Mr. Gottesman told the grand jury that indicted him last year that he had met with Mr. Robson, but only to arrange for Swann's appearance before a 1959 grand jury.

The Government contends that both Mr. Cohn and Mr. Gottesman lied about the meeting with Garfield. It further contends that Mr. Cohn threatened Garfield and Roen when he learned that they were testifying against him in front of the grand jury.

Garfield testified yesterday

that Cohn had tried to intimidate him by mentioning the names of persons "who could only mean a threat as far as he [Cohn] was concerned."

The names were those of "some mutual friends," identified by Garfield as Meyer Lansky, a gambler; Jerry Catena, who had been identified by the Senate rackets committee as a leader of the Cosa Nostra, and Moe Dalitz, an owner of the Desert Inn.

Garfield said he had known Cohn since 1957 or 1958. They were partners in a Las Vegas hospital venture. He said that in June, 1959, he heard "rumors" of a pending stock fraud indictment and asked Cohn to "find out about it."

"I asked what he thought it would cost," Garfield testified. "He told me it would be approximately \$50,000 but if we were indicted it would not cost anything."

Key Government Witness Against Roy Cohn Testifies on Alleged Bribes, Lies, Threats

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—The Government's key witness against Roy M. Cohn unfolded a tale of alleged bribery, lies, and threats. The witness was Samuel S. Garfield, who pleaded guilty to a charge of conspiracy in the United Dye & Chemical Corp. stock fraud case.

The salient points of Garfield's testimony were:

—Garfield told an associate, Allard Roen, to pay \$33,333 to Morton Robson, then chief assistant U.S. attorney for the New York Southern District, on Aug. 23, 1959. This was two days before the first Federal indictment in the United Dye case was filed; it didn't name Garfield, Roen, and two other associates as defendants.

—Mr. Cohn told Garfield the money was to go to Mr. Robson.

—In September 1959, Garfield gave \$15,000 to Mr. Cohn. This was "the balance of the \$50,000 due" in line with the arrangement between Garfield and Mr. Cohn to keep the four United Dye associates from being indicted.

Threat Alleged

—After Garfield and the three others pleaded guilty to a later United Dye case indictment, Mr. Cohn in a 1962 telephone call to Garfield ominously dropped the names of Jerry Catena, leader of a New Jersey "Cosa Nostra family"; Meyer Lansky, a New York hoodlum, and Moe Dalitz, a Las Vegas gambler. Garfield interpreted the name-dropping as threats to stop talking to a Federal grand jury about Mr. Cohn.

—Garfield and Roen in 1962 received threats from associates of Mr. Cohn, warning them to stop talking to the Government about their dealings with Mr. Cohn in 1959.

—Garfield never attended a meeting in August 1959 at which Mr. Cohn says he and Garfield were present.

In a courtroom confrontation, Garfield declared he never met or retained Murray E. Gottesman, a New York lawyer who says he was hired by Garfield at the recommendation of Mr. Cohn at the meeting in August 1959.

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Mr. Cohn and Mr. Gottesman are co-defendants in the current trial. They are charged with lying to a Federal grand jury in 1962 and 1963 and conspiring to obstruct its investigation into their dealings with the four United Dye defendants in 1959.

The two lawyers haven't been charged with bribery or obstruction of justice in connection with the 1959 indictment, however. Nor has Mr. Robson, currently in private practice in New York, been named in any indictment.

Last night, Mr. Robson telephoned newsmen and asserted: "The statement by Samuel Garfield . . . that in August 1959 I received a payment of money in Las Vegas is a vicious lie. I have never in my life been to Las Vegas nor have I ever met, seen, or spoken to Garfield or Roen. . . ."

Mr. Robson noted the four United Dye associates were indicted in 1960 while he was still chief assistant U.S. attorney. Furthermore, he said, an investigation conducted while he was U.S. attorney, from Feb. 1 to April 15, 1961, resulted in a third United Dye indictment obtained in July 1961, after he left the U.S. attorney's office.

Mr. Robson said he hadn't been asked to testify for the Government. "The defense has served me with a subpoena, and I would assume that I would be called," he added, however. He made it clear he was willing to testify under oath, no matter who called him as a witness.

Garfield, a bald, elderly man of medium height, was on the stand for three hours. For most of that time, he sat bowed and tight-lipped and spoke in subdued tones, sometimes inaudibly. He was said to be in ill health. Under cross examination by Frank G. Raichle, Jr., Mr. Cohn's attorney, though, Garfield straightened up and answered forcefully.

"Vendetta" Accusation

Mr. Raichle brought out that Garfield was an admitted stock "cheat," that other indictments were pending against him, and that he had pleaded guilty to a gaming house charge in Evansville, Ind., in 1951. Mr. Raichle also pressed Garfield on the fact that he hadn't yet been sentenced in the United Dye case. Much of Mr. Cohn's and Mr. Gottesman's defense is based on accusations that Garfield and his associates are cooperating in a Government "vendetta" in order to get light sentences in the United Dye case.

At the same time, Prosecutor Gerald Walsh left it to Mr. Raichle to elicit from Garfield the story of the \$33,333 payment to Mr. Robson and the allegation that this was done at the direction of Mr. Cohn.

Garfield described himself as an "oil producer." He is also a gambler and friend of Las Vegas gamblers and promoters. He said he had known Mr. Cohn since 1957 or 1958 and had been associated in business ventures

Garfield said he told Mr. Cohn in June 1959 there were "rumblings" of an investigation of United Dye, and asked him to check into the matter. Later, Garfield continued, Mr. Cohn reported back "he didn't think it would be too much of a problem and that he would take care of whatever was necessary."

According to Garfield, Mr. Cohn estimated the cost at about \$50,000, but said that if Garfield and Roen and their two associates, Allen K. Swann and Irving Pasternak, were indicted, "it wouldn't cost anything."

Garfield contradicted the defendants' account of a supposed meeting in August 1959 between Garfield, Swann, Mr. Cohn, and Mr. Gottesman. The meeting is said to have resulted in Garfield's retaining Mr. Gottesman to arrange with Mr. Robson for Swann to appear before the United Dye grand jury. The story of the meeting, which provides a legitimate role in the matter for Mr. Cohn and Mr. Gottesman, is the basis of one of the perjury counts.

Garfield said there was no such meeting and that Swann arranged himself to testify before the grand jury.

When Mr. Gottesman was directed to approach the witness stand, Garfield eyed him expressionlessly. "Have you ever seen him?" Mr. Walpin asked. "Not that I know of; don't remember him," Garfield replied.

Later, Garfield repeatedly had difficulty remembering Gottesman's name without prompting when the lawyer came up in his testimony. At one point, he paused so long the defense protested he was putting on an act.

Garfield pleaded guilty to part of the United Dye indictment in March 1962 and appeared before the Federal grand jury investigating Mr. Cohn the next month. In June 1962, he said, he was told by William D. Fugazy, president of Fugazy Travel Bureau, Inc., and friend of Mr. Cohn, that Mr. Cohn was "raising hell" about the United Dye case.

According to Garfield, he and Roen then were warned several times by Mr. Fugazy and Eli Boyer, a Los Angeles accountant and friend of Mr. Cohn, that they should stop talking to the Government. Garfield said Mr. Fugazy said Mr. Cohn had told him to get

Dalitz back from a trip to Europe to talk to Roen.

Roen is manager of the Desert Inn and Stardust hotels in Las Vegas. Dalitz is an owner. Eventually, Garfield said, the threats had Roen "on the verge of collapse."

In July 1962, Garfield said, he stopped in to see mob leader Catena, a friend of his, on the way to Newark Airport to catch a plane to Cleveland. Whatever Catena said, Garfield didn't relate, but instead of going to Cleveland, he returned to the hotel in New York where he had been staying.

That night, Garfield continued, he got a call from Mr. Cohn. First Mr. Cohn recalled they had "mutual friends" in Lansky, Catena, and Dalitz. Garfield said he replied he wasn't interested in talking if the names were being used as threats and added, "They didn't mean anything, because they were more my friends than his."

Finally, Garfield said, he agreed to meet Mr. Cohn the next morning. But, he continued, Mr. Cohn instructed him in what to say in the presence of John A. Kiser, a law partner of Mr. Cohn, so Mr. Kiser could make up a memo about the meeting.

At the meeting, Garfield said he told Mr. Cohn in Mr. Kiser's presence that he had hired Mr. Gottesman in 1959 and that the only money he had given Mr. Cohn was a \$10,000 legal fee in 1961. On the witness stand, Garfield declared both statements were false and that he had made them in order to stop Mr. Cohn's threats. Mr. Cohn's version of this meeting also is the basis of perjury charges against him.

Cross-examination of Garfield will continue this morning. Other witnesses may be Mr. Fugary, Roen, Boyer, and Swann. Judge Archie O. Dawson told the prosecutors yesterday that Garfield's statements about conversations with Mr. Fugary, Roen, and Boyer would be stricken from the record unless the three ~~men~~ appear as witnesses and confirm them.

Roy Cohn Accuser on Stand Again

Hammering cross-examination was targeted on a key prosecution witness at Roy M. Cohn's perjury trial today, as defense attorneys attempted to shake testimony that both Cohn and former U.S. Attorney split \$50,000 to keep things quiet in a stock fraud case.

On tap to resume testifying in Federal Court was portly Denver oil man and confessed stock swindler Samuel S. Garfield, who swore yesterday that \$50,000 was paid to help him and three other men escape a 1959 indictment in the \$5-million United Dye and Chemical Corp. stock fraud case.

NAMES ROBSON

Under terms of an agreement with Mr. Cohn, Garfield testified, he was to pay nothing if he was indicted. But the oil man admitted paying one-third

of the \$50,000 to Cohn. Under cross-examination, he said the remaining two-thirds was paid to former Chief Assistant U.S. Allard Roen, owner of the Desert Inn, one of Las Vegas' most glittering night spots.

Both Garfield and Roen have since pleaded guilty to a charge of selling unregistered United Dye and Chemical Corp. stock.

Garfield swore he handed \$16,666 to Mr. Cohn in the lobby of the Desert Inn in September, 1959, as the "balance" of \$50,000 Mr. Cohn said would be needed to skirt the indictment.

ROBSON DENIES IT

The other two-thirds of the payment, Garfield said, had previously been paid—at Mr. Cohn's direction—to Mr. Robson in August, 1959.

The latter testimony drew a vehement denial from Mr. Robson, now in private law practice, who declared:

"It's a vicious lie. I don't know Garfield. I don't know Roen. I've never been to Las Vegas. I've never taken \$35,000 or 35 cents from anybody. I'm prepared to testify under oath at any time."

Before Mr. Robson can take the stand, however, Roen will be a prosecution witness, possibly right after Garfield finishes.

Mr. Cohn, 37, a former U.S. attorney and Senate Committee counsel, is on trial before Judge Archie O. Dawson along with attorney Murray E. Gottesman, on charges of perjury, conspiracy and obstruction of justice.

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Cohn's Roles Change From Court to Court

Roy M. Cohn appeared in two courtrooms here yesterday in two different roles—as counsel for a plaintiff and as a defendant in a criminal trial.

The 37-year old lawyer first appeared in State Supreme Court to represent Lewis S. Rosenstiel, the president and board chairman of Schenley Industries, in an annulment action he is seeking. His wife, Susan, is represented by another well-known lawyer, Louis Nizer.

After discussions with Justice Henry Clay Greenberg, prior to the selection of a jury, Mr. Cohn walked about 100 yards to the Federal Courthouse, where he is being tried on perjury and conspiracy charges.

Mr. Rosenstiel is seeking an annulment on the ground that Mrs. Rosenstiel's Mexican divorce from her former husband is invalid in New York.

Both cases will resume at 10:30 A.M. today.

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2d U.S. Att'y Cited in Cohn Bribery Rap

By JOSEPH KAHN and TED POSTON

Samuel S. Garfield, a confessed swindler, today named a second Asst. U. S. Attorney who, he said, cooperated in preventing a 1959 federal grand jury from indicting him and three associates in the \$5,000,000 United Dye and Chemical Corp. stock fraud case.

Garfield, principal prosecution witness in the perjury-conspiracy trial of Roy M. Cohn and attorney Murray E. Gottesman, said that Leonard Glass, then an Asst. U. S. Attorney prosecuting the case to the grand jury, came to his Hotel Pierre room here in August, 1959, to plan how the four swindlers could be kept out of the indictment.

Earlier, Garfield had testified that he personally paid Cohn a \$16,666 bribe to help thwart the 1959 grand jury, and that he arranged for Allard Roen, a fellow swindler, to pay "the other two-thirds" of a \$50,000 bribe to Morton S. Robson, then Chief Asst. U. S. Attorney.

Garfield told his story to the jury of 10 men and two women shortly after Federal Judge Dawson had quashed a defense subpoena calling for the diaries and appointment books of Robson, Glass and a third former Asst. U. S. Attorney—Jerome London.

(Indicate page, name of newspaper, city and state.)

3 NEW YORK POST

Date: 3/31/64
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Asst. U. S. Attorney Donald J. Conn objected that the subpoena was "a fishing expedition," improperly drawn and designed to "harass" prosecution witnesses still on the stand.

"I will at the present time suppress this subpoena," Judge Dawson ruled, but he emphasized that he would permit the defense to seek certain records at a later date if they became relevant to other evidence.

'Boss Was Toughs'

Glass' alleged involvement in the reputed "fix" came out as Garfield was being cross-examined by Frank Raichle, Cohn's chief counsel.

The gambler-oil promoter said

Glass was brought to his hotel room by a man named Sidney Barkley whom Garfield identified as a stock broker friend.

The witness said Glass told him that his "boss was tough" about the United Dye investigation and that he felt he was going to have trouble with his superiors.

Thought He Meant Robson

"Glass didn't mention any names," Garfield said, "but I knew he was referring to Robson.

"He told me he'd like to keep us out of the impending indictment, but he had to have something to hang his hat on with his superiors."

Glass, he said, insisted that he had to get some testimony pertaining to the group he wanted to keep out of the indictment.

"I told him I could get him some help," Garfield testified, "with his superiors . . . I told him he shouldn't be concerned. I would get him help with his superiors."

Financed Trip to Coast

Under further cross-examination, Garfield said that Barkley and Glass made a trip to California together and that he gave Barkley money for the trip.

"Barkley asked for \$12,000," he said, "and I gave it to him out of my box."

He said he kept three cash boxes, "one here in New York, one in the bank at Claire, Mich., and another in my home there." Robson Hits 'Lie'

Robson, in an out-of-court statement, has vigorously denounced Garfield's testimony of his own involvement in the reputed "fix" as "a vicious lie."

He said he had never been to Las Vegas, where he was allegedly paid the \$33,000, that he had never met Garfield or Roen and had never "received any money at that or any other time."

He said he had been subpoenaed to testify for the defense at the Cohn-Gottesman trial and pointed out that he had subsequently indicted Garfield, Rosen and two other swindlers—Irving Pasternak and Allen K. Swann—before being succeeded here by U. S. Attorney Morgenthau.

Robson said he had denied the charges before the 1962 grand jury which indicted Cohn and Gottesman for perjury and for seeking to make others lie to the 1962 grand jury.

Payoff Charge Drops Bomb at Cohn Trial

By NORMA AREAMS and SIDNEY KLINE

Soft-spoken, baldheaded Samuel S. Garfield, admitted stock swindler and one-time friend of attorney Roy Cohn, testified yesterday that he Garfield arranged for a better than \$33,000 payment to Chief Assistant U.S. Attorney Morton S. Robson at a time when Cohn was attempting to keep Garfield and three associates from being indicted.

Earlier, Garfield said he gave Cohn about \$16,000 as the "balance" of \$50,000 which Cohn said would be required to head off the indictment.

The testimony, before Federal Judge Archie O. Dawson and a jury, created a sensation. Cohn and Murray E. Gottesman, also an attorney, are on trial before Dawson charged with perjury and conspiracy in testimony they gave in 1963 to a federal grand jury.

Probed Failure to Indict

That grand jury sought to find out why Garfield and his partners, Irving Pasternak, attorney Allen H. Swann, and Albert E. Rosenberg, director of two banks in Las Vegas, escaped indictment in 1963 in the so-called United Dye and Chemical Corp. stock fraud.

The four were indicted in 1961. All have since pleaded guilty. None has been sentenced.

Late yesterday, Robson, now an attorney in private practice, denounced Garfield's testimony as false. "I have never in my life been in Las Vegas, nor have I ever met, seen or spoken to Garfield or Roen, the man who was supposed to have paid me the money. I am prepared to testify under oath at any time if I am called as a witness."

Garfield took the stand yesterday as a prosecution witness.

Tells of Talk With Cohn

In June, 1963, he said, he talked with Cohn. Cohn promised to look into the United Dye and Chemical investigation. Later that month, Garfield said, he met with Cohn and Cohn said it wasn't



Morton S. Robson
In spotlight at trial

going to be too much of a problem.

"I asked what he thought it would cost," Garfield told the court. "He told me it would be approximately \$50,000, but if we were indicted it would not cost anything. I said it would be all right."

The witness said he met Cohn in Las Vegas in September, 1963, and gave him one third of the \$50,000. "The balance of the \$50,000 that was due," Garfield said that when the

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indictment against him was returned in 1961, Cohn phoned to say he was sorry and would arrange for counsel.

"I Wasn't Worried"

Garfield said he had subsequent meetings with Cohn, when Cohn was under investigation, and in one of them Cohn mentioned names—those of Jerry Casanova, a New Jersey mobster, and gambler Meyer Lansky, among others — which Garfield interpreted as a threat to himself if he didn't go along with Cohn.

Cohn was counsel to the late Sen. Joseph McCarthy and a one-time assistant U.S. attorney serving as a prosecutor in the very court in which he now is on trial.

Under cross-examination, Cohn's counsel, Frank Raichle, brought Robson's name into the trial.

The Other Two-Thirds

"To whom was the other two-thirds of the \$50,000 paid in 1961?" demanded Raichle.

"I phoned Roen to get the two-thirds for someone who was coming to Las Vegas to get it," said Garfield.

"Who was it?"

"It was Morton Robson. I told him (Roen) the man would be Robson and would be able to identify himself. I didn't know Robson. I wouldn't know him if he walked into this room."

"Did Cohn tell you it would be Robson?"

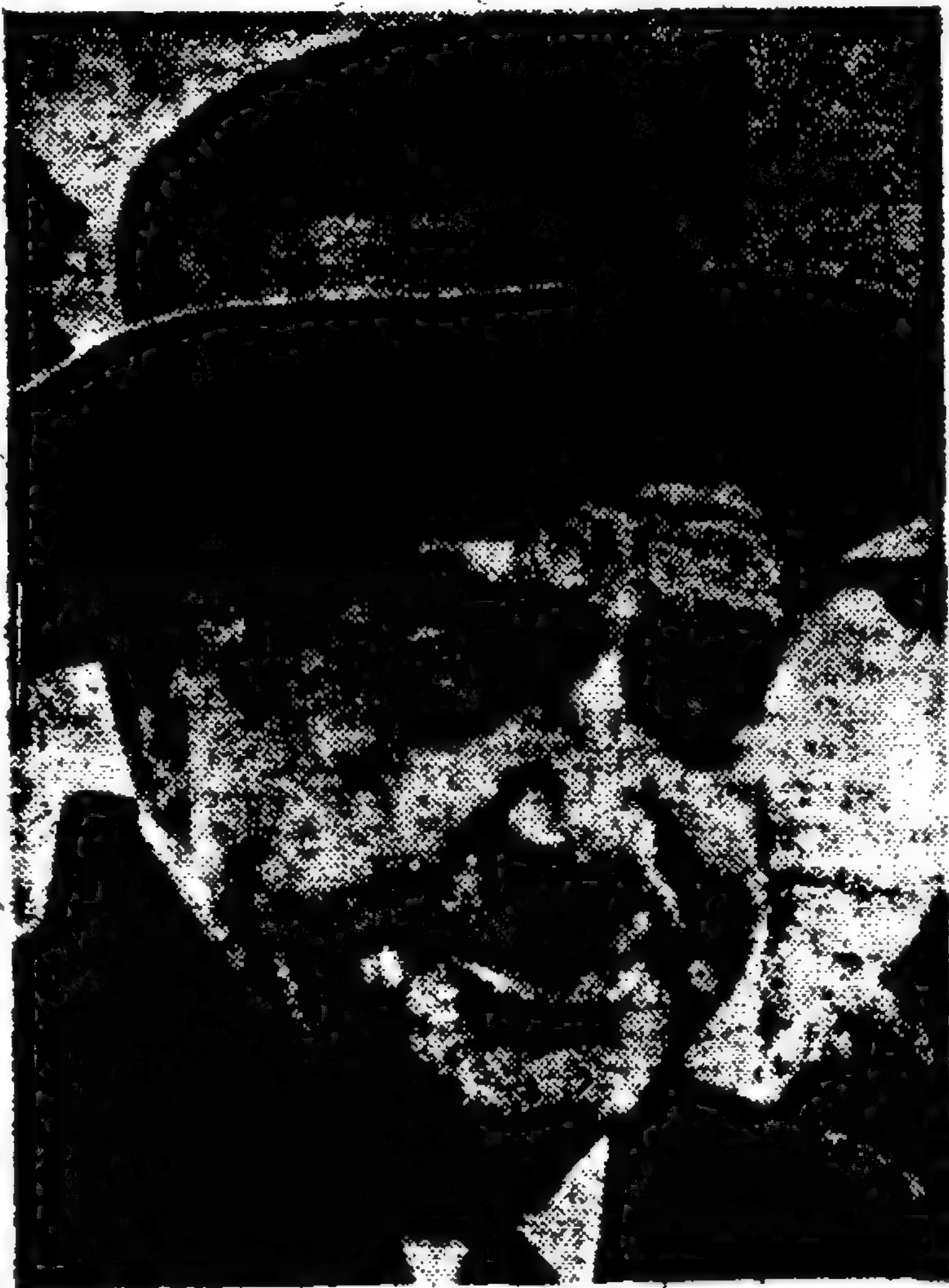
"I didn't get it out of the air."

"Haven't you heard that Robson has never been in Las Vegas?"

"Yes, I've heard it," Garfield said without elaboration.

The trial will continue today.

He Swears He Paid Off Cohn



Herald Tribune photo by BILL SAURO

Samuel S. Garfield

"I gave it to him (Cohn) in the Desert Inn."

By Milton Lewis
Of The Herald Tribune Staff

Former U. S. Attorney Morton S. Robson got two-thirds and Roy M. Cohn got one-third of a \$50,000 payoff to block the 1959 indictment of four men involved in a \$5 million stock fraud, one of the swindlers testified yesterday.

He personally handed \$16,600 to Mr. Cohn and the witness' associate gave the rest to Mr. Robson on separate occasions in the Desert Inn, Las Vegas, in 1959, when Mr. Robson was Chief Assistant U. S. Attorney here, said the 63-year-old swindler, Samuel S. Garfield, oil producer and gambler, of Clare, Mich.

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Garfield carefully avoided looking at his former friend, the 37-year-old Mr. Cohn, who glared at the short, bald witness as he gave his testimony before a Federal Court jury trying Mr. Cohn on charges of perjury and conspiracy to obstruct justice. Under cross-examination, Garfield appeared to relish attempts to destroy his testimony, maintaining that what he was telling was the absolute truth.

There are no charges against Mr. Robson, who has been subpoenaed by the defense to testify for Mr. Cohn and his co-defendant, lawyer Murray E. Gottesman.

Mr. Robson said last night about his allegedly pocketing fix money through a Garfield aid, Allard Roen, manager of the Desert Inn:

"All I know is it's a vicious lie. I don't know Garfield. I don't know Roen. I've never been to Las Vegas. I've never taken \$35,000 or 35 cents from anybody."

Garfield, clutching a microphone on the stand, emphasized that he never saw Mr. Robson in his life—but that he got his name from Mr. Cohn, saying:

"I sure didn't get it out of the air!"

"Don't you know that Mr. Robson was never

in Las Vegas in his life?" Frank G. Natchle, chief Garfield counsel, demanded.

"I heard it," Garfield answered.

Garfield, Roen and two others were under investigation in the United Dye & Chemical Corp. stock swindle in 1959. Garfield, who had had previous business dealings with Mr. Cohn, went in mid-1960 to see the erstwhile counsel to the McCarthy Senate Investigating Committee. Witness Garfield:

"He (Cohn) said he had checked into the United Dye matter for me and he didn't think it would be too much of a problem."

"Did you discuss money?" Assistant U. S. Attorney Gerald Walpin inquired.

"He told me it would be approximately \$50,000, but that if we were indicted it wouldn't cost anything. . . . I told him it suited me all right."

THE INDICTMENT

On Aug. 25, 1959, an indictment was handed up. It named several persons, including the notorious Alexander Guterman—but not Garfield and his three pals.

The following mid-September, the witness went on, he gave Mr. Cohn "one-third of \$50,000."

"What was that for?"

"That was in line with the arrangement for being kept out of the indictment. That was the balance of the \$50,000 that was due that I thought I didn't have to pay. But Mr. Cohn said I was mistaken, that I had to pay."

Trial Judge Archie O. Dawson interposed:

"How about the other two-thirds of the \$50,000?"

Prosecutor Walpin pointed out that was not a matter before the jury and said he would prefer not to go into it. The court let the matter drop.

Garfield continued:

About a year later—in November, 1960—Mr. Cohn telephoned Garfield and informed him that he had just been indicted in the same United Dye case, along with the other three not named in the 1959 indictment.

"Roy told me he was sorry about the indictment and he would get me an attorney," Garfield said.

GUILTY PLEAS

In 1962, after the mass stock swindle trial began—with about 10 defendants—Garfield, Roen and their two friends, Allen K. Swann, a lawyer, and Irving Pasternak, oil promoter, pleaded guilty. Garfield and Roen are still awaiting sentence.

Shortly thereafter, Garfield and Roen began going before a grand jury that was trying to get to the bottom of why they and their two buddies were not indicted in 1959, as requested by the Securities and Exchange Commission. Garfield and Roen began to co-operate, and this led to the indictment and current trial of Mr. Cohn and Mr. Gottesman, both charged with committing perjury before the grand jury and with obstructing justice in the 1959 grand jury inquiry.

Mr. Cohn, Garfield testified, began making threats against him and Roen, using, among others, William D. Fugazy, a then Cohn business associate and friend, as an intermediary. Mr. Cohn even used the names of gangsters—Meyer Lansky and Jerry Catena, according to Garfield.

Finally, Garfield continued, he decided to make peace with Mr. Cohn and do the latter's bidding, saying, "I told him I'd go along with anything he wanted. He had Mr. Roen on the verge of collapse." This was a reference to the threats he earlier charged to Mr. Cohn. So, Garfield said, he sat down with Mr. Cohn and a Cohn law partner, John Kiser. Garfield quoted Mr. Cohn as saying:

GOVERNMENT CONNECTION

"First of all, you never gave U. S. Attorney Robson any money. That's something that's not true."

Further, according to Garfield, Mr. Cohn wanted him to lie by saying that he (Garfield) gave Mr. Cohn \$10,000 in 1961, and nothing in 1959. Mr. Cohn "boasted of his connection in the government," Garfield said, and:

"He told me he knew enough people in the U. S. Attorney's office to take care of it for us."

But, Garfield said, he refused to sign a memorandum presented to him by Mr. Kiser, Mr. Cohn's law partner.

Under cross-examination, Garfield conceded he once pleaded guilty to a gambling charge—"it was a misdemeanor"—and that he still has three other stock fraud indictments hanging over his head. He insisted he didn't make a penny on the United Dye stock swindle, and when pressed on where he passed the money to Mr. Cohn, he testified:

"I gave it to him in the lobby of the Desert Inn in Las Vegas. . . . My recollections are not faulty. I just want to act truthfully."

Then defense counsel Raichle opened up the business about the other two-thirds of the \$50,000, wanting it spelled out.

"To whom did you give the other two-thirds?" Mr. Raichle asked.

"I didn't give it to anybody."

"Did you arrange to give it?"

"With Mr. Roen."

DESSERT INN

On Aug. 23, 1959—two days before the grand jury filed an indictment which did not name Garfield, Roen or their two pals—Garfield testified, he gave Roen the name of Morton Robson, "who could identify himself. I told him to get it out of the cashier's cage. I have plenty of credit at the Desert Inn. I loaned them money to open the place. I can get anything I want there. Roen is the boss out there. I told him to put in an IOU with the cashier."

Roen followed through and paid off Mr. Robson, Garfield quoted Roen as saying later.

Did Garfield know Mr. Robson?

"I got the name from Mr. Cohn. I don't know Mr. Robson. I wouldn't know him if he came in this room. I didn't manufacture the name. I don't know the man."

Mr. Robson, active in Republican politics and a prosecutor during the Eisenhower administration, was Chief Assistant U. S. Attorney from May, 1959, to February, 1961, when he took over as U. S. Attorney, serving until April 15, 1961, when he was succeeded by Robert M. Morgenthau.

Garfield will continue undergoing cross-examination this morning, and Mr. Robson, in a later statement last night, proclaimed that he (Robson) looked forward to getting on that same stand to give the lie to yesterday's testimony. He pointed out that he was still in office when Garfield and Roen were indicted in 1959.

But before Mr. Robson can be called, Roen—who allegedly paid off Mr. Robson—will be a witness, quite possibly following Garfield.

(Mount Clipping in Space Below)

Roy Cohn's Accuser Resuming Testimony

A confessed stock swindler who testified he paid \$50,000 to Roy M. Cohn and a former chief assistant United States attorney to escape federal indictment continues on the witness stand today at Cohn's trial.

The witness, Samuel S. Garfield, said yesterday that one-third of the money went to Cohn and two-thirds to the former U.S. attorney, Morton S. Robson, in Las Vegas in 1959.

After telling reporters he was ready to appear as a witness at the trial in federal court, Robson last night described Garfield's statements as "a vicious lie."

"I have never in my life been to Las Vegas, nor have I ever met, seen or spoken to Gar-

field or (Allard) Roen, the man who is supposed to have paid me the money," said Robson.

Garfield and three associates were not indicted in 1959 but were indicted in 1960 and 1961. They pleaded guilty in 1962.

Robson said the indictments that were obtained came as a result of his investigation. The indictment against Cohn alleges perjury and obstruction of justice but does not charge bribery.

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(Mount Clipping in Space Below)

Roy Cohn Jury Hearing More On Bribe Rap

By TED POSTON and JOSEPH KAHN

The jury in the trial of Roy M. Cohn and Murray E. Gottesman hears more today about an alleged bribe to prevent the indictment of four confessed swindlers.

One of the four, Las Vegas Desert Inn manager Alard Roen, was expected to follow Samuel S. Garfield to the witness stand to give more details on the alleged bribe.

Garfield outlined the details yesterday before the jury of 10 men and 2 women in Federal Court where Cohn and Gottesman are accused of having lied to a 1962 grand jury about their part in the quashed indictment.

Garfield said he had arranged payment of about \$33,000 of the \$50,000 bribe in Las Vegas to a man identifying himself as Morton S. Robson, then Chief Asst. U. S. Attorney here. Garfield said the payment was made just two days before a 1959 federal grand jury here omitted all four swindlers' names from an indictment in the \$5,000,000 United Dye and Chemical Corp. stock-fraud case.

Garfield said he also paid Cohn \$1666 "for keeping me out of the United Dye indictment."

Robson, in a statement following yesterday's session, called Garfield's testimony about him "a vicious lie."

The onetime government attorney said he never had met Garfield or Roen, never had visited Las Vegas and never had "received any money at that or any other time."

Garfield and Roen "were indicted by my office in November, 1960, while I was still chief assistant U. S. attorney," Robson said.

He said it was his office's subsequent investigation of the case "which provided the basis for the indictment obtained in July, 1961, while Mr. Morgenthau was U. S. Attorney."

Robson also pointed out that

"at my request I voluntarily appeared before a grand jury in February, 1963, and testified fully with respect to this matter."

He said he is ready to testify in the Cohn-Gottesman trial "any time if I am called as a witness." A subpoena was served on Robson last week.

Garfield had testified that Cohn told him that for \$50,000 he could keep the four men from being indicted. He said that after paying Cohn more than \$16,000 in the Desert Inn's lobby in 1959 he had called Cohn to ask who would receive the balance of the alleged bribe—or \$33,000-plus.

"He gave me the name," Garfield said. "I didn't get it out of thin air. I didn't know the man."

He had then called Roen on Aug. 23, 1959, Garfield testified, and told him that "the recipient would be Mr. Robson, assistant U. S. attorney."

He said Roen had later told him that a man who identified himself as Robson had come to the Desert Inn and received the \$33,000-odd from the cashier's office.

"I have plenty of credit up there," Garfield said. "I had told them the last name would be Robson and he could very well identify himself."

Also expected to testify after Garfield and Roen are the two other men indicted with them. They are oil promoter Irving Pasternak and Allen K. Swann, identified as "a Midwest lawyer."

(Indicate page, name of newspaper, city and state.)

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At Cohn Trial: Another U.S. Attorney Accused

By Milton Lewis

Of The Herald Tribune Staff

Another former Federal prosecutor was implicated yesterday in the alleged attempt to save four stock swindlers from indictment.

Samuel S. Garfield, one of the confessed swindlers, testified at the Roy M. Cohn perjury-conspiracy trial in Federal Court that former Assistant U. S. Attorney Leonard Glass came to the Garfield suite in the Hotel Pierre in August, 1959.

And this, according to the 63-year-old Garfield, oil and gambling figure who told the jury "I'm not an angel, I was brought up in the gutter," is what happened:

"He (Glass) told me he thought he'd be able to keep us out of the pending indictment . . . but that he had to have something to hang his hat on with his superiors . . . He said he thought it would go all right if we could get some testimony into the grand jury pertaining to the group we wanted to keep out of the indictment."

Garfield, the words pouring out in a torrent, went on about Mr. Glass, a Republican appointee who served as a prosecutor from February, 1959, to January, 1960, and who was in charge of the grand jury investigation:

"I told him that I thought I could get some help and for him not to be concerned about it. I thought I could get some help with his superiors."

One of his superiors was then Chief Assistant U. S. Attorney Morton S. Robson, another Republican appointee in the Eisenhower Administration. On Monday, Garfield testified that he (Garfield) arranged for Mr. Robson to get two-thirds of \$50,000. The swindler also said he personally gave one-third of \$50,000 to Mr. Cohn to avoid indictment of himself and his three fellow swindlers involved in the \$5 million United Dye & Chemical Corp. stock fraud.

Where Mr. Robson immediately and vehemently denied involvement in any alleged fix, Mr. Glass, who has a law office on Madison Ave., could not be reached for comment. The defense is to call Mr. Robson as a witness—to give the lie to Garfield's testimony. But chief defense counsel Frank G. Raichle said he has no intention of calling Mr. Glass. There are no charges against Mr. Robson or Mr. Glass.

It was Mr. Cohn's idea, according to Garfield, that one of the swindlers—lawyer Allen K. Swann—go before the grand jury. And he did go. After that "performance," Sidney Barkley, another confessed swindler who made a fortune in manipulating the United Dye stock and described as a good friend of Mr. Glass, checked with Garfield.

"He (Barkley) reported that Mr. Swann made a very good witness before the grand jury. Barkley got it from Mr. Glass and even one of the jurors remarked that he (Swann) was like one of the fellows of the old school—that

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he (Swann) was all right."
"Old school of what—
swindlers?" defense counsel
Raichle, asked.

Judge Archie O. Dawson
barred an answer to the
barbed question.

In any event, the grand
jury did not indict Garfield,
Swann and their two fellow
crooks. At about the same
time — September, 1959 —
Barkley and Mr. Glass first
went to California and then
to Las Vegas, Garfield testi-
fied. He said that he ad-
vanced Barkley \$12,000 then
—for a business investment
—and another \$25,000 in
1960.

Garfield fiercely denied
that he ever gave Mr. Glass
any money, though he quoted
Barkley as saying that he
(Barkley) gave Mr. Glass a
gift—possibly a suit of cloth-
ing—in payment of legal fees.
The fees allegedly stemmed
from when Barkley was rep-
resented by Mr. Glass before
the latter became a Federal
prosecutor.

"Mr. Glass stayed at the
Sands Hotel (in Las Vegas)
and I think I made the reser-
vation for him," Garfield
testified. "I didn't think it
was proper for him (Glass) to
be at the Desert Inn because
his boss might be at the Des-
ert Inn. I meant Mr. Robson."

And it was in Las Vegas,
according to Garfield—and

denied by Mr. Glass,
two-thirds of the money
passed to Mr. Glass.
Insists he was in Las
Vegas.

Garfield said he was
ready to shell out \$100,000
to get the Securities and Ex-
change Commission off his
back. He said he was
his troubles with the SEC.
George Bender, a former
the Senator ever said,
said, was to ask for
He also said that Bender
er had told him he
had "seen some people at
SEC and at the time
he would advise me
should retain in Washington.

However, Garfield said he
plain that Sen. Bender
not take a penny in pay-
money. And the SEC
get off Garfield's back
and his three swindlers
were indicted in 1960.

Mr. Cohn and his
fendant, lawyer
Gottesman, are charged
perjury and with
to obstruct justice in
ing the 1959 indictment
Garfield, Swann
others.

Swann, 47, was
hearing aid and
represented Garfield
of his oil deals, from
field to the state
He to both Mr. Cohn
Gottesman, just
did before him.

2d Gov't Attorney Linked to Cohn Case

By NORMA ABRAMS AND SIDNEY KLINE

A second federal prosecutor yesterday was named at the trial of attorneys Roy M. Cohn and Murray E. Gottesman as having interceded to prevent the indictment in 1959 of four men involved in the \$5 million United Dye & Chemical Corp. stock fraud.

Samuel S. Garfield, 68, oil man and gambler, told Federal Judge Archie O. Dawson and a jury that Assistant U. S. Attorney Leonard Glass met with him and others and "told me he thought he'd be able to keep us out of the pending indictment."

Tells of Split

"But, he said," Garfield related, "he had to have something to hang his hat on with his superiors. I told him he shouldn't be too concerned about his superiors because I could get him some help."

On Monday, Garfield told the court that, to avoid indictment, he had provided \$50,000 which had been split up—two-thirds going to Morton Robson, the assistant DA in charge of the United Dye case, and one-third to Cohn.

Garfield and three associates were not named in the indictment returned in 1959. Those associates were Allard Roen, Irving Pasternak and Allen K. Swann. But all four were indicted in 1960 and 1961 and all pleaded guilty to fraud.

Current Indictment

A 1963 federal grand jury investigating why they escaped indictment in 1959 took testimony from Cohn and Gottesman, and subsequently indicted the two attorneys on charges of perjury and conspiracy to interfere with testimony of others linked to the case.

Under cross-examination by Frank Raichle, counsel to Cohn, Garfield testified yesterday that a \$100,000 payment had been arranged for the late Sen. George Bender (R-Ohio) because Bender had "seen some people at the SEC (Securities and Exchange Com-)

Garfield said the payment never was made to Bender.

Neither was any money paid to Glass, said Garfield, but Glass and another Garfield associate named Sidney Barkley, who also has pleaded guilty in the United Dye conspiracy, did go to California and Las Vegas together in 1959 for such a meeting.

Robson has denied ever being in Las Vegas.

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Cohn Trial Figure Accuses 2d Official

By HOMER BIGART

Samuel S. Garfield, confessed swindler and a chief Government witness against Roy M. Cohn, implicated a second Federal prosecutor yesterday in the alleged plot to save Garfield and three others from indictment in a 1959 stock fraud case.

The witness testified that Leonard Glass, then an Assistant United States Attorney here, had called at his hotel suite and offered to cooperate in the alleged conspiracy.

On Monday Garfield swore that he had arranged to transfer part of a \$50,000 payoff to Morton S. Robson, former Chief Assistant United States Attor-

ney. Mr. Robson has denied this vehemently.

Garfield said yesterday that Mr. Glass, who handled the investigation of the United Dye and Chemical Corporation stock-fraud case in 1959, visited his Hotel Pierre rooms in August of that year. The United States Attorney's office was investigating Garfield at the time.

The witness said that Glass was somewhat worried over the reaction of his superiors but that he promised cooperation in efforts to save Garfield and the three others from indictment in the \$5 million swindle.

Garfield said that Mr. Glass had been taken to his suite by a friend, Sidney Barkley, whom Mr. Glass had defended unsuccessfully in a 1957 stock fraud case in Detroit.

The witness testified that Mr. Glass "sat down and told me he thought he'd be able to keep us out of the indictment but he had to have something to hang his hat on with his superiors."

Under further cross-examination by Mr. Cohn's defense counsel, Frank Raichle, Garfield said that Mr. Glass assured him that the plan would "go along all right if we could find some way of getting testimony to the grand jury pertaining to the group we wanted kept of the indictment."

"I told him I could give him some help," Garfield testified.

Not Indicated in 1959

It was subsequently arranged, he said, that Allen K. Swann, a Midwestern lawyer and a friend of Garfield's, would appear before the grand jury. Swann himself was under investigation in the same fraud case, along with two other friends of Garfield — Irving Pasternak, oil promoter, and Allard Roen, manager of the Desert Inn in Las Vegas, Nev.

The 1959 grand jury failed to indict Garfield and his friends, but they were indicted in 1960 and 1961 and pleaded guilty soon after their trial started in 1962.

The Government charges that Mr. Cohn, aide to the late Senator Joseph R. McCarthy, and Murray E. Gottsman, a co-defendant, were involved in the intricate conspiracy. Mr. Cohn, according to the Government, lied before the grand jury last year and persuaded other witnesses to lie.

(Indicate page, name of newspaper, city and state.)

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Garfield, a squat, bald, soft-spoken witness who described himself as an "oil promoter," had testified Monday that he split a \$50,000 payment between Mr. Cohn and Mr. Robson, former Chief Assistant United States Attorney for the Southern District of New York. This payment, he said, was to enable him to escape indictment. Garfield denied yesterday that he had offered a bribe to Mr. Glass, a subordinate of Mr. Robson in 1939.

Bribe to Bender Denied

Another alleged payoff, a reported \$100,000 bribe to the late Senator George H. Bender, Republican of Ohio, was also denied by Garfield.

Garfield admitted that he had planned a \$100,000 payment to Senator Bender to try to quash the stock-fraud investigation, but he said that the payment was never made.

This payoff story was first aired during the 1962 United Dye trial. Assistant United States Attorney Gerald Walpin charged that the conspirators had bribed Senator Bender in hopes of squelching the Securities and Exchange Commission investigation of United Dye. Former Senator Bender had appeared before the 1961 grand jury that investigated the swindle. He died of a heart attack a few days later.

Garfield was a cool witness, unflustered even when Mr. Raichle taunted him as a swindler and perjurer.

"Would you lie now to escape the consequences of conviction?" asked Mr. Raichle.

"No, sir," said Garfield.

"When did you reform?" asked Mr. Cohn's counsel.

"I'm not an angel," Garfield said. "I was brought up in a gutter. But I made my own way honestly, and I paid my bills. And I'm not ruthless."

Garfield was followed on the stand by Mr. Swann, a tall, lean, lantern-jawed lawyer. He refuted grand jury testimony by Mr. Cohn and Mr. Gottesman about a hotel meeting that the Government charges never took place.

Mr. Swann, supporting Monday's testimony by Garfield, denied that he had ever met Mr. Gottesman.

He also denied that he had ever met Mr. Cohn.

(Mount Clipping in Space Below)

Cohn Defense Recalling Witness

An important government witness in the trial of Roy M. Cohn returns to the stand today, and defense lawyers indicate their efforts in the perjury case will center on cross-examination.

Allen K. Swann, the witness, began his testimony yesterday in Federal Court by backing up a fellow stock swindler on several points. Swann and Sam Samuel S. Garfield, who have both pleaded guilty to stock fraud, swore they did not meet with Cohn to discuss Swann's appearance before a grand jury.

Cohn, who is also charged with conspiring to obstruct justice, said he had met with co-defendant Murray Gottesman and the other two on Aug. 19, 1959.

Although Garfield, Swann and two others were not indicted in 1959, they were indicted later and pleaded guilty in the \$5 million United Dye & Chemical Corp. stock swindle.

The government charges that Cohn and Gottesman were involved in the complex conspiracy. Cohn is charged with lying before a grand jury and getting other witnesses to lie.

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Defense Grilling Cohn Witness

By **TED POSTON** and **JOSEPH KAHN**

The defense tries today to break down the testimony of a confessed swindler who challenged both Roy M. Cohn and attorney Murray E. Gottesman in their grand jury testimony. The testimony concerned a disputed 1959 conference about the \$5,000,000 United Dye and Chemical Corp. stock fraud case.

Cohn and Gottesman are on trial before Federal Judge Dawson and a jury of 10 men and two women on perjury and conspiracy charges involving lying before a 1962 grand jury which was trying to find out why four admitted swindlers were not named in a 1959 indictment.

Allen K. Swann, an Evansville, Ind., lawyer who is one of the four men involved, told the court yesterday that he never had met Cohn or Gottesman, although both had told the 1962 grand jury that Swann had attended a meeting with them and with Samuel S. Garfield, another of the four, at the Hotel Pierre here Aug. 19, 1959.

In a face-to-face confrontation before the witness stand, Swann said of the tall Gottesman, "I never saw this man before." Of the short, swarthy Cohn, he said: "I've seen that face in the papers, but I don't know him. I never met him."

Swann took the stand after Garfield had testified that he paid Cohn \$16,666 and arranged a \$23,000-odd payment to former Chief Asst. U. S. Atty. Morton S. Robson to keep the 1959 United Dye grand jury from naming him and his three associates in the indictment.

Garfield also testified that then Asst. U. S. Atty. Leonard Glass, who was presenting the U. S. Dye case to the grand jury, also conferred with him in his Hotel Pierre room to plan how the

case could be "fixed."

In addition, the stocky, bald Garfield repeated his earlier testimony that he had arranged to pay \$100,000 to the late Sen. George Bender (R-Ohio) in an attempt to have an Security & Exchange Commission investigation of United Dye called off.

Robson, who has been subpoenaed as a defense witness, has vigorously denounced Garfield's testimony about him as "a vicious lie."

Swann's testimony struck hard at what both Cohn and Gottesman had told the 1962 grand jury which indicted them for perjury. Cohn had said he had arranged the meeting with Swann and Garfield and had suggested that they hire Gottesman who, he said, he had brought to the meeting.

Gottesman told the grand jury that he was the lawyer for Garfield, Swann and a third swindler, Allard Roen, manager of the Las Vegas Desert Inn. But he admitted, under jury questioning, that none of them had signed a retainer and that he had never billed them for his services.

Swann insisted yesterday that he had never met either defendant.

Garfield, Swann, Roen and a fourth man—Ivan Pasternak—were later indicted by another grand jury and all have pleaded guilty to stock fraud charges.

(Indicate page, name of newspaper, city and state.)

3 NEW YORK POST

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Dye Swindler Tells Cohn Jury: Testimony In '59 Was Coached

By IRVING LIEBERMAN and TED POSTON

A confessed swindler told the jury in the Roy Cohn perjury-conspiracy trial that he was coached for his testimony before a 1959 grand jury and was assured that the Asst. U. S. Attorney presenting the case "would treat me all right before the grand jury."

Allen K. Swann, a Midwest lawyer, who admitted selling more than \$800,000 worth of the doctored United Dye and Chemical stock, told Federal Judge Dawson and the 10 male and two women jurors that his coaching took place in the Hotel Pierre suite of Samuel S. Garfield, another confessed swindler, on Aug. 19, 1959.

Garfield, one of four men not indicted by the 1959 grand jury, had testified earlier that Leonard Glass, then the Asst. U. S. Attorney in charge of the investigation, had visited him earlier in the same suite and had offered to cooperate in the "dx" that excluded the four swindlers from the original indictment.

Says Dye's Man Was There

Also present at his meeting with Garfield, Swann testified, was Hy Lehigh, attorney for United Dye. Under cross-examination by Frank G. Raichle and Henry Chapman, attorneys

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hotel suite, but that he didn't know that Barkley was an ex-convict until recently. He said that Lehigh coached him on questions to be asked by Glass and suggested answers he should make.

Earlier, Swann had denied he ever met Cohn and Gottesman. Although both had told a 1962 grand jury that he had been present when Gottesman had been hired as the lawyer for Garfield and Allard Roen, another confessed swindler.

In a face-to-face confrontation before the witness stand, Swann said of the tall Gottesman, "I never saw this man before." Of the short, swarthy Cohn, he said: "I've seen that face in the papers, but I don't know him. I never met him."

Swann took the stand after Garfield had testified that he paid Cohn \$16,666 and arranged a \$33,000-odd payment to former Chief Asst. U. S. Atty. Morton S. Robson to keep the 1959 United Dye grand jury from naming him and his three associates in the indictment.

In addition, the stocky, bald Garfield repeated his earlier testimony that he had arranged to pay \$100,000 to the late Sen. George Bender (R-Ohio) in an attempt to have a Securities and Exchange Commission investigation of United Dye called off.

Robson, who has been subpoenaed as a defense witness, has vigorously denounced Garfield's testimony about him as "a vicious lie."

Garfield, Swann, Roen and a fourth man—Irving Pasternak—were later indicted by another grand jury and all have pleaded guilty to stock fraud charges.

for Cohn and Murray E. Gottesman, his co-defendant, Swann admitted that he was told "what my behavior and manners were to be" before the grand jury.

He said that Garfield, whom he had represented in legal matters before, told him: "You write too long and talk too much. Don't talk too much before this grand jury. Just answer the questions; don't volunteer anything."

Admits Knowing Barkley

Swann said Garfield told him that Glass "would treat me all right before the grand jury."

The witness testified he knew Sidney Barkley, whom Garfield had said brought Glass to the

Cohn Trial Hears Chief Witness for U.S.— Link 2nd Federal Official to Alleged Deal

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—Samuel S. Garfield, the admitted stock swindler who is the Government's key witness in the perjury and conspiracy trial of Roy M. Cohn, said he arranged with Leonard Glass, then an assistant U.S. attorney, to block indictments in the United Dye & Chemical Corp. fraud case in 1959.

— Mr. Glass, currently in private practice in New York, was the second Government official named by Garfield as an alleged party to such a deal. Monday, Garfield testified he arranged to split \$50,000 between Mr. Cohn, as go-between, and Morton S. Robson, who in 1959 was chief assistant U.S. Attorney for the New York Southern District, to prevent the indictments.

Mr. Robson, also a New York lawyer, has vehemently denied Garfield's story. Mr. Glass couldn't be reached yesterday for comment.

No charges have been filed against Mr. Robson or Mr. Glass. Nor is Mr. Cohn on trial for bribery or improper contacts with officials.

Charge of Obstruction

Mr. Cohn and lawyer Murray E. Gottesman are charged with lying to a Federal grand jury in 1962 and 1963 and conspiring to obstruct its investigation of their relations with Garfield and three of his associates in 1959. The defense contends Garfield and others are lying about these relations to cooperate in a Government "vendetta" against Mr. Cohn, and in the hope of getting light sentences in the United Dye case.

Government prosecutors have deliberately avoided naming any Government official as directly involved in any bribe or bribe attempt, although they contend Mr. Gottesman lied about a visit to Mr. Robson in 1959. Garfield's accounts of dealings with Mr. Robson and Mr. Glass were elicited during cross-examination by Frank G. Raichle, Jr., Mr. Cohn's attorney, despite Government objections.

Garfield, a gambler and promoter; Allen K. Swann, an Evansville, Ind., attorney; Allard Roen, manager of the Desert Inn and Stardust hotels in Las Vegas, and Irving Pasternak, a partner of Garfield, were trying in 1959 to avoid being named defendants in the first United Dye indictment. They were named co-conspirators instead. But they were made de-

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defendants in subsequent indictments in 1960 and 1961 and pleaded guilty to part of the charges in 1962.

Yesterday, Garfield said Mr. Glass was brought to his room at the Hotel Pierre in New York on Aug. 18, 1959. Mr. Glass was introduced, Garfield said, by Sidney Barkley, a stockbroker friend of Garfield who also was indicted in the United Dye case. Barkley said Mr. Glass had been his attorney at one time, and then left, according to Garfield.

"He (Mr. Glass) told me he thought he would be able to keep us out of the pending indictment, but he had to have something to hang his hat on with his superiors," Garfield continued. "I told him I'd get him some help."

Later, Garfield called Swann in Denver and told him to come to New York to testify to the grand jury, the witness said. Mr. Glass was in charge of presenting the United Dye case to the grand jury. Swann testified on Aug. 20, and the first indictment, omitting the four men as defendants, was returned Aug. 25.

California, Las Vegas Trips

Garfield said he didn't give any money to Mr. Glass, but he gave money to Barkley to pay for a trip to California and Las Vegas that Barkley made with Mr. Glass. Garfield testified he also loaned Barkley \$12,000 in September 1959 to buy stock and in 1960 loaned Barkley another \$25,000 to open a business office in California.

While in Las Vegas around Labor Day, 1959, Barkley and Mr. Glass stayed at the Sands Hotel, Garfield said. They had wanted to stay at the Desert Inn, Garfield said, but he advised them not to, because "his boss might be there." By boss, Garfield continued, "I meant Mr. Robson."

Mr. Robson has denied he was ever in Las Vegas. Garfield contends he arranged with Roen to pay Mr. Robson \$33,333 in Las Vegas on Aug. 23, 1959, and that Roen told him he had made the payment. Garfield also testified Monday he himself gave Mr. Cohn \$18,000, "the balance due," in Las Vegas the next month.

Mr. Raichle also drew out Garfield's story about the late George Bender, former Senator from Ohio. During the United Dye trial in 1962, Government prosecutors Gerald Walpin and Donald J. Cohn, who also are prosecuting the Cohn trial, charged a \$100,000 bribe had been paid to Mr. Bender in 1959. Details weren't given, however.

Yesterday, Garfield said he and three other members of the United Dye group "arranged to pay (Mr. Bender) \$100,000 as a fee for looking into the United Dye matter" before the 1959 indictment. Mr. Bender was to "find some attorneys in Washington to handle that case," and he also told Garfield he would talk to the chairman of the Securities and Exchange Commission about United Dye, Garfield asserted. But, Garfield added, "None of the \$100,000 was paid."

Attempts to Discredit Witness

Mr. Raichle and Henry K. Chapman, Mr. Gottesman's attorney, sought to trace inconsistencies in Garfield's testimony and to discredit him as an admitted swindler. "I don't pose as an angel," Garfield retorted at one point. "I was brought up in the gutter, but I made my way and I paid my bills."

Judge Archie O. Dawson continued to keep a tight rein on counsel for both sides. Monday he told Prosecutor Walpin not to be "such an eager beaver" with his objections. Yesterday Judge Dawson clamped down when Mr. Raichle, quivering with indignation, asked Garfield if he considered himself an honest man. "Mr. Raichle, calm down; you're not Perry Mason," the judge interjected.

Although Mr. Walpin didn't introduce Garfield's statements about the payment to Mr. Robson, the prosecutor took advantage of his chance to re-question Garfield to establish the source of the funds. Garfield had said Roen borrowed the \$50,000 to pay Mr. Cohn and Mr. Robson from the Desert Inn's cash reserves. Mr. Walpin produced a \$50,000 bank cashier's check dated Sept. 10, 1959, which Garfield then said he used to repay the Desert Inn.

In conclusion, Mr. Walpin asked, "Have you told the truth, Mr. Garfield?"

"As well as I know it," the small, elderly man replied.

An hour before adjournment the Government called Swann, Garfield's attorney, to the stand. Swann supported Garfield's testimony. And like Garfield, Swann faced Mr. Gottesman and declared, "His face is not familiar to me." Swann denied he had ever met or retained Mr. Gottesman and also stated he had never met Mr. Cohn.

Legitimate Role

One basis for the perjury charges against Mr. Cohn and Mr. Gottesman is their contention they met with Garfield and Swann on Aug. 19, 1959, and that Garfield retained Mr. Gottesman to arrange with Mr. Robson for Swann to appear before the grand jury. The story provides a legitimate role in the affair for the two defendants.

The prosecution, on the other hand, says Garfield hired Mr. Cohn, and through him, Mr. Gottesman, to approach Mr. Robson about keeping the four United Dye associates out of the 1959 indictment.

Like Garfield, Swann testified there was no such meeting with Mr. Cohn and Mr. Gottesman. Swann further stated he arranged to appear before the grand jury by calling Mr. Glass at the behest of Garfield.

Mr. Chapman began to cross-examine Swann and will continue this morning.

The courtroom was filled to capacity with about 150 persons, as it has been before. But yesterday, for the first time, a line showed up outside the door. By recess time at 2:15 p.m. 30 persons were waiting behind a velvet rope in the hope of getting seats for the last two hours of the session. Judge Dawson has forbidden standing.

Ex-Cohn Friend On Stand Today

By JOSEPH COHEN

A one-time friend takes the stand today to testify he used threats and persuasion to get two witnesses to put Roy M. Cohn, the lawyer, in a favorable light before a grand jury.

Regardless of their testimony, the jury later indicted Mr. Cohn for perjury and conspiracy to obstruct justice. He is now on trial in Federal Court.

Mr. Cohn's former friend, William D. Fugazy, head of a travel bureau here, was slated as the first witness today.

He was to be led on direct examination through an account of how, at Mr. Cohn's request, he conveyed threats to Allard Roen manager of the Desert Inn Las Vegas, to get Roen to testify favorably for Mr. Cohn before the jury.

Mr. Fugazy also was to tell how he visited Samuel S. Garfield in Detroit and relayed what Mr. Cohn wanted him to tell the jury as it probed Mr. Cohn's role in a 1959 indictment against stock swindlers.

Both Roen and Garfield escaped indictment by the 1959 grand jury, which was investigating a \$5-million stock fraud in United Dye and Chemical Corp. shares.

But a later jury did indict them, along with attorney Allen K. Swann and Sidney Barkley of Los Angeles, an ex-convict. All four pleaded guilty during their trial in 1962.

The government is contending that Mr. Cohn was responsible for the omission of the four from the original, 1959, indictment, and Garfield has testified at the current trial that Mr. Cohn and a former Chief Asst. U. S. Attorney split a \$50,000 payoff to keep the four out of the indictment.

Mr. Fugazy was one of 10 witnesses still to be called by Asst. U. S. Atty. Gerald Walpin, who is prosecuting the government's case.

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Cohn Witness Tells of Leak In Jury Probe

By NORMA ABRAMS

A prosecution witness at the perjury-conspiracy trial of attorneys Roy M. Cohn and Murray E. Gottesman testified under cross-examination yesterday that he obtained from Assistant U. S. Attorney Leonard Glass questions which were to be asked of an associate by a federal grand jury.

Sidney Barkley, who has admitted fraud in the \$5 million United Dye & Chemical Corp. scandal, said Glass, who had been his personal attorney in 1957, showed Barkley questions which were to be asked attorney Allen K. Swann by a 1959 grand jury looking into the United Dye case.

Showed Questions to Witness

On Aug. 18, 1959, the day before Swann testified before the grand jury, he showed the questions to Swann, Barkley said.

Earlier in the day, Barkley and another man linked to the United Dye scandal denied that Cohn or Gottesman attended a meeting in the Hotel Pierre on Aug. 19, 1959, to discuss the case.

That testimony, before Federal Judge Archie O. Duggan, was given by Hyman D. Lehigh, an

attorney and a former vice president of United Dye, and by Sidney Barkley, a stock dealer, under questioning by Assistant U. S. Attorney Jerome Walpin, chief prosecutor.

Outgrowth of Fraud

Cohn and Gottesman, both attorneys, are on trial on charges of perjury and conspiracy as an outgrowth of that stock fraud. The prosecution maintains that Cohn acted to forestall indictment of Samuel S. Garfield, Allen K. Swann, Allard Roen and Irving Pasternak in 1959.

The four subsequently were indicted, and pleaded guilty to fraud charges. The current trial of Cohn and Gottesman resulted from testimony they gave to a federal grand jury in 1963, which was seeking to learn circumstances surrounding the failure to indict in 1959.

Cohn and Gottesman, before the grand jury, testified they attended a meeting in the Pierre in August, 1959, in Garfield's suite.

Never Saw Them Before

Earlier in the trial, Garfield and Swann denied that Cohn and Gottesman were there.

Yesterday, Lehigh and Barkley denied that Cohn or Gottesman attended the meeting. The witnesses said they never before had seen the defendants. Barkley has pleaded guilty to participating in the stock fraud.

A number of technical witnesses also were heard. The trial will resume today.

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Continued—U.S. Attorney Tarred in Cohn Testimony

By Milton Lewis
Of The Herald Tribune Staff

Leonard Glass, as a Federal prosecutor in 1959, fed top secret grand jury questions in advance to a stock swindler through an ex-convict, the latter testified yesterday.

The ex-convict, sallow-faced Sidney Barkley, boomed this testimony through a microphone in Federal Court at the trial of Roy M. Cohn, indicted for perjury and conspiracy to obstruct justice in the case handled by Mr. Glass.

The 42-year-old Barkley conceded, while under examination by Mr. Cohn's lawyer, that when he pleaded guilty in 1957 in Detroit to manipulating securities, his lawyer was Mr. Glass, now in private practice in Manhattan. Mr. Glass was an Assistant U. S. Attorney from February, 1959, to January, 1960.

Attempts to reach Mr. Glass have been unsuccessful since the first testimony against him was elicited on Tuesday. There are no formal charges against him. On Tuesday his law office said he was busy in some unidentified court case, acting as counsel, and yesterday his office said:

"He's out of town with a client. He'll be back Friday. I've no idea where he is."

The tall, dark-haired Barkley ("I'm presently unemployed") told a jury of 10 men and two women that Mr. Glass gave him in August, 1959, "some questions" that he (Glass) was going to ask in the grand jury of Allen K. Swann, a Michigan lawyer involved in the \$5 million United Dye & Chemical Corp. stock swindle.

"Were these questions written in Mr. Glass' own hand?" Mr. Cohn's counsel, Frank G.

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Baichle, asked of Barkley.

"Yes, they were, on one of two yellow sheets."

The witness swore that he took the questions up to Swann, who was in the Hotel Pierre suite of a fellow United Dye swindler, wheeler-dealer Samuel S. Garfield. Also present, according to Barkley, was Hyman D. Lehigh, once counsel for United Dye.

At another point Barkley conceded, while under examination by Henry K. Chapman, counsel for Mr. Cohn's co-defendant, lawyer Murray E. Gottesman, that he "got questions from Glass and coached Swann."

The upshot: the grand jury voted no indictments against Swann, Garfield or any of the others who saw those questions. But in 1960 and again in 1961 Barkley, Swann, Garfield and two others who were in on the alleged 1959 fix were indicted—and they pleaded guilty in 1962. All but one are yet to be sentenced. Mr. Lehigh was named a co-conspirator but not a defendant in the 1961 true bill.

"It's a terrible thing he (Glass) should be penalized for knowing a guy like me," Barkley told the FBI at one point.

Barkley used to be a stock broker, and he received a one-year term in the stock fraud Detroit case in which he was represented by Mr. Glass. He served 6½ months. That is separate and distinct from the United Dye indictment in which he is yet to be sentenced, along with Swann and Garfield.

Barkley testified he told Swann "how to conduct himself before the grand jury"

and "not to make long-winded speeches, not to talk too much."

Under the direct examination of Assistant U. S. Attorney Donald J. Cohn (no relation to defendant Cohn), Barkley testified that he saw Mr. Cohn twice in the Garfield suite at the Pierre at the time the grand jury was meeting in regard to the United Dye case in 1959.

"On both occasions that I was present, he (Cohn) and Mr. Garfield went into another room," testified Barkley, who was also once convicted for bookmaking.

Among government witnesses called yesterday was the distinguished former Court of Appeals Judge Bruce Bromley. The reason: Mr. Cohn had told the grand jury which indicted him that he had attempted to get Judge Bromley to represent Garfield, Swann and other United

Dye stock swindlers in 1959, before the alleged jury fix occurred.

Judge Bromley testified he had "no recollection" of Mr. Cohn ever discussing that with him, though he did recall that Mr. Cohn once asked him to handle a "Liquor Authority matter" for "a private club, called, as I recall, Le Club."

"I told him I did not desire to undertake that," Judge Bromley testified in loud and clear tone, and the crowded courtroom chuckled even as the first of the Liquor Authority scandal trials was going on two blocks away in the Criminal Courts Building.

On Tuesday it was testified that Mr. Glass, the former prosecutor who handled the United Dye grand jury inquiry in 1959, went to see swindler Garfield in his hotel suite and told Garfield he "thought he'd be able" to keep him and his

fellow stock swindlers out of the indictment—but that he "had to have something to hang his hat on with his superiors."

One of his superiors was then Chief Assistant U. S. Attorney Morton S. Robson, who, according to Garfield, received two-thirds of a \$50,000 payoff to keep Garfield and his pals from being indicted. The other third, Garfield swore, went to Mr. Cohn.

Just as there are no formal charges against Mr. Glass, there are none against Mr. Robson. The latter has vehemently denied accepting any money from anybody, and has been subpoenaed by the defense to appear as one of its witnesses.

But the defense has made it plain it has no intention of calling Mr. Glass, who, like Mr. Robson, served in the U. S. Attorney's office during the Eisenhower administration.

(Mount Clipping in Space Below)

Cohn Trial Judge Seeks Speedup

The government's case against Roy M. Cohn includes about 10 more witnesses, and Federal Judge Archie O. Dawson wants the wheels of the Justice Department to grind a bit faster.

Dawson conferred with Gerzlo Walpin, chief of special prosecutions, yesterday at the end of the seventh day of testimony. A total of 15 prosecution witnesses have appeared.

The judge said he wanted "some idea how long this is going to be, to try and speed it up."

Attorney Cohn and co-defendant lawyer Murray E. Gottesman are accused of conspiring to suppress a 1959 indictment against four men who later pleaded guilty to a multi-million dollar swindle involving United Dye & Chemical Corp. stock. They also are charged with lying to a grand jury last year which sought to determine why the four were not named in the original true bill.

Highlight of yesterday's testimony came when Sidney Barkley, awaiting sentence after pleading guilty in the stock-fraud case, declared that Leonard Glass, a former assistant United States attorney, had given him in advance questions that the 1959 grand jury would ask.

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Cohn Jury Is Told Defendant in United Dye Case Got Question List From Prosecutor

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—Jurors at the trial of Roy M. Cohn were told Leonard Glass, a Government prosecutor in 1959, provided an advance list of questions so a prospective defendant in the United Dye & Chemical Corp. stock fraud case could plan his testimony before a 1959 Federal grand jury.

The testimony given yesterday by Sidney Barkley supported earlier testimony about Mr. Glass' involvement given by Samuel S. Garfield and Allen K. Swann, two other Government witnesses against Mr. Cohn. Barkley, Garfield, and Swann pleaded guilty in 1962 to part of the charges in the United Dye case, but none has been sentenced.

Mr. Glass, at present a New York lawyer, wasn't available for comment.

Barkley, a tall, black-haired man with heavy brows, told his story in a deep, resonant voice. He said Mr. Glass, as a private attorney, represented him in 1957, when he pleaded guilty to a charge of violating Federal securities laws in another matter. Barkley spent six and a half months in Federal prison as a result of the case.

In 1959, Mr. Glass was an assistant U.S. attorney for the Southern District of New York, and was in charge of presenting evidence to a grand jury investigating possible fraud in connection with United Dye.

Barkley said that on Aug. 18, 1959, he obtained from Mr. Glass a list of questions the prosecutor intended to ask Swann before the grand jury on Aug. 20. On Aug. 19, Barkley continued, Swann, Garfield, Hyman D. Lehigh, a United Dye attorney, and he went over the questions.

In cross examination Tuesday, defense attorneys elicited from Garfield testimony that he arranged to have "two-thirds of \$50,000" paid to Morton S. Robson, chief assistant U.S. attorney for the New York Southern District in 1959, and that Mr. Glass came to his hotel room to confer about Swann's testimony.

Mr. Robson, now in private practice in New York, denied Garfield's allegations emphatically.

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Garfield, Swann, Allard Roen, and Irving Pasternak weren't named as defendants in the first United Dye indictment Aug. 25, 1959. They were named in two later indictments, in 1960 and 1961, and all pleaded guilty to some of the charges early in 1962.

Garfield said Tuesday, under cross examination, that Mr. Glass had told him in his hotel room on Aug. 18, 1959, that the four men could be kept out of the 1959 indictment if Mr. Glass didn't have difficulties with his superiors.

Garfield also said he loaned Barkley large sums of money in 1959 and 1960 and financed a trip Barkley and Mr. Glass allegedly made to California and Las Vegas in September 1959.

Although the defense attorneys had pressed Garfield to disclose this material, they made no attempt yesterday to get Barkley to give his version. They concentrated on Barkley's brushes with the law in an effort to discredit statements that gave secondary support to Garfield's and Swann's testimony about an alleged meeting on Aug. 19, 1959, with Mr. Cohn and Murray E. Gottesman, a New York lawyer.

No charges have been filed against Mr. Robson or Mr. Glass. Nor is Mr. Cohn charged formally with bribery or improper contacts with officials. Mr. Cohn and Mr. Gottesman are charged with lying to a Federal grand jury in 1962 and 1963 that was investigating their relations with the United Dye group. The two lawyers are also charged with conspiring to interfere with the grand jury testimony of others.

One of the perjury counts concerns Mr. Cohn's and Mr. Gottesman's claim they met with Garfield and Swann and that Garfield retained Mr. Gottesman to arrange with Mr. Robson for Swann to testify to the grand jury. Garfield and Swann deny the story and say they never met Mr. Gottesman.

The Government contends Garfield hired Mr. Cohn, and through him Mr. Gottesman, to contact Mr. Robson about getting the four men omitted from the 1959 indictment. Mr. Gottesman and Mr. Robson are long-time friends.

The defense contends Garfield and his associates are lying about the defendants to cooperate in a Government "vendetta" against Mr. Cohn, in the hope of getting light sentences in the United Dye case.

Ten witnesses testified yesterday. The morning session opened with the defense com-

pleting cross examination of Swann. Mr. Lehigh testified briefly about the events of Aug. 19-20, 1959. William C. Schultz, of Detroit, Garfield's accountant, said he had no record that Garfield paid Mr. Cohn a legal fee of \$10,000 in 1961. Mr. Cohn's story of this payment, which he said was in cash, is the basis for another perjury count. Garfield denies the payment.

Other witnesses included George Rosier, Swann's New York attorney at the time of the 1959 grand jury testimony, and four hotel and bank employees who appeared to identify various records and documents.

The Government is expected to call a one-time friend and business partner of Mr. Cohn, William D. Fugazy, to the stand today. Mr. Fugazy's testimony is considered to be important in supporting Government charges that Mr. Cohn perjured himself and used threats and persuasion in efforts to prevent the grand jury from learning the facts of his 1959 relations with the United Dye group.

(Mount Clipping in Space Below)

Fugazy Called In Attack on Cohn's Story

By TED POSTON and IRVING LIEBERMAN

The government today sought again to punch holes in the testimony of Roy M. Cohn before a federal grand jury which indicted him and attorney Murray E. Gottesman for perjury and conspiracy in an investigation of the \$5,000,000 United Dye and Chemical Corp. stock fraud.

Today's prosecution witness will be William D. Fugazy, a long-time Cohn friend who was associated with the dapper young lawyer in the promotion of two Patterson-Johansson heavyweight championship fights.

Asst. U. S. Atty. Walpin has told Federal Judge Dawson and a jury of 10 men and two women that Cohn not only persuaded Fugazy to lie to the same March, 1962, federal grand jury, but that he also involved Fugazy in an effort to "put pressure" on two of four self-confessed swindlers who escaped indictment in a 1959 investigation of the United Dye frauds.

Walpin said that when the two swindlers, Samuel S. Garfield and Allard Roen, started giving the 1962 grand jury information about Cohn's activities in the 1959 case, Cohn had Fugazy summon Moe Dalitz, a prominent Las Vegas gambler, back from a European vacation to "put pressure on Garfield and Roen."

When this attempt at intimidation failed, Walpin said, Cohn

"caused Mr. Fugazy to testify falsely" that the return of Dalitz had nothing to do with Cohn.

Two other prosecution witnesses challenged other testimony that Cohn had given the grand jury in explaining his relationship with Garfield. The latter, with three associates, were indicted later and pleaded guilty to stock fraud charges.

Cohn told the 1962 grand jury that he had received a \$10,000 cash "fee" from Garfield for legal services. But William C. Schultz, a Detroit certified accountant who has worked for Garfield since 1946, testified there was no notation of such a payment in Garfield's files.

He said that Garfield's legal fees totaled \$22,109.03 in 1961 (the year Cohn said the "fee" was paid), but the records listed not one penny paid to Cohn.

Schultz said that such a \$10,000 payment for legal fees would have been deductible on Garfield's income tax returns which he also prepared, but that no such claim was made by Garfield. He also said he had

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3 NEW YORK POST

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never known Garfield to pay a legal fee in cash.

Walpin, in his opening statement, had charged that the \$10,000 was part of the money Cohn was paid to try to "fix" the 1959 jury which failed to indict the four swindlers.

Cohn had also told the 1962 grand jury that he had recommended several lawyers including Goltesman, to Garfield during the United Dye investigation, and that he had tried to contact one of them, former Circuit Appeals Court Judge Bruce Bromley, in August, 1959, to take Garfield's case.

Bromley took the stand yesterday and said "I have no such recollection" when asked if Cohn had sought his services for either Garfield or Roen. He said that his office diary showed that he was in his office part of each week-day during July and August, 1959, and that his secretary had never told him that Cohn tried to get in touch with him about the United Dye matter.

(Mount Clipping in Space Below)

FUGAZY TESTIFIES COHN INDUCED HIM TO LIE TO U.S. JURY

Ex-Friend Links Defendant
to Plot to Save 4 From
Stock Fraud Indictment

COACHING IS ALLEGED

But Witness Says Accused
Did Not Threaten 2 Who
Appeared at Inquiry

L. HOMER BIGART

William Denis Fugazy, a former friend and business associate of Roy M. Cohn, testified in Federal Court yesterday that Mr. Cohn induced him to lie to a grand jury in 1962.

His testimony supported the Government's charge that Mr. Cohn engaged Mr. Fugazy and others in an elaborate conspiracy to cover up Mr. Cohn's involvement in a plot that enabled four swindlers to escape Federal indictment. The indictments were threatened in the \$5 million United Dye and Chemical Corporation stock-fraud investigation in 1959.

But Mr. Fugazy denied the Government's contention that Mr. Cohn used him as a pipe-

line to communicate threats to two of the swindlers who pleaded guilty and were testifying against Mr. Cohn before the grand jury.

All Mr. Cohn told him to relay to the swindlers, he said, was a warning that "unless they stopped lying about him, Mr. Cohn was going to bring out all the facts and everyone would get in trouble."

A Boxing Promoter

Mr. Fugazy, a travel agent and promoter with Mr. Cohn of championship fights between Floyd Patterson and Ingemar Johansson in 1960 and 1961, portrayed himself as an unwitting partner, corrupted by a former friend.

When the prosecutor, Gerald Wapner, asked why he had lied, Mr. Fugazy said:

"Mr. Cohn was my lawyer, friend and associate. He felt the Government was framing him improperly. He said he needed my help. I was willing to give help because he was my friend."

When he was subpoenaed before the United Dye grand jury in 1962, Mr. Fugazy recounted, Mr. Cohn coached him before he appeared on the stand. The two went over the answers to probable questions — answers that he later learned were false, Mr. Fugazy testified.

The witness, 39 years old, ruggedly handsome and wearing a dark blue Italian suit, gestured nervously with his hand during cross-examination by Frank

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Raichle, counsel for Mr. Cohn. But he cheerfully denied suggestions by Mr. Raichle that he was now an embittered foe of Mr. Cohn and that he had enlisted in the alleged anti-Cohn vendetta of the Department of Justice.

"You're sore, aren't you?" asked Mr. Raichle.

"At times I get mellow," replied Mr. Fugazy with a smile as sunny as a travel poster, "but I'd say I'm sore."

"Vengeful?"

"No sir, I'm never vengeful."

Mr. Fugazy, a prominent Roman Catholic layman, is one of the few main Government witnesses not under indictment. Consequently Mr. Raichle bore down severely, attempting to discredit him by implications of a sinister deal with the Justice Department.

Wasn't it a fact, asked Mr. Raichle, that the witness was told by his new lawyer, Edward Bennett Williams last Summer that the grand jury might indict him for perjury?

"No sir," Mr. Fugazy replied.

Didn't Mr. Williams tell Mr. Fugazy about a message he had received direct from Attorney General Robert Kennedy? Asked Mr. Raichle.

Mr. Fugazy said he did not have to reveal what his counsel told him.

'I'm Not Involved'

"Sir, I'd have no reason to make a 'deal,'" he told Mr. Raichle. "I'm not involved in this case."

He was on the stand all day. He seldom glanced at Mr. Cohn, his former golfing partner for many years, but the defendant regarded him closely and took occasional notes.

At one moment of the cross-examination Mr. Fugazy seemed on the verge of reconciliation.

Mr. Raichle asked him to recall an encounter with Mr. Cohn last September in the St. Regis Hotel bar a few days after Mr. Cohn had been indicted.

"Didn't you state at that time that you believed Cohn to be completely innocent?" demanded Mr. Raichle.

"Sir," replied Mr. Fugazy, "to this day I believe Mr. Cohn is completely innocent of any bribery. I don't think he's the type of person who would do that—regardless of how mad I am."

Bribery Not on Trial

Mr. Cohn and his co-defendant, Murray E. Gottesman, Manhattan lawyer, are not charged with bribery in the indictment, although a Government witness, Samuel S. Garfield, testified Monday that he

Fabian Bachrach
William Denis Fugazy

Mr. Cohn and former Chief Assistant United States Attorney Morton Robson to prevent indictment of Garfield and three other swindlers.

In his grand jury testimony Mr. Fugazy said he had never mentioned the names of Mr. Robson and Mr. Gottesman to either Garfield or Allard Roen, manager of the Desert Inn in Las Vegas, Nev. The latter two pleaded guilty in the stock-trading case.

Yesterday Mr. Fugazy admitted that he had lied about this. He testified that on instructions from Mr. Cohn, he told Garfield and Roen in June of 1962 that Mr. Gottesman was Garfield's attorney in the United Dye case and that Mr. Robson was "an attorney that the United States was trying to involve." (By that time, Mr. Robson, a Republican appointee, had been replaced as a United States Attorney by the new Democratic regime.)

Mr. Fugazy conceded that at Mr. Cohn's instigation he had called Moe Dalitz, a Las Vegas gambler, back from a European vacation in hopes of inducing Garfield and Roen to change their testimony about Mr. Cohn. Dalitz was a friend of Garfield's and an owner of the Desert Inn, where Roen was employed.

But Mr. Fugazy could not see that he had relayed any threat here. Besides, he said, Dalitz had expressed interest on being summoned home and had told him that he would "rather spend a few years in jail if it would mean Mr. Cohn would spend a day there." Mr. Fugazy said he thought Dalitz was speaking facetiously, but there was no doubt, he said, that Dalitz was annoyed.

William Fugazy Testifies He Lied 6 Times To '62 Grand Jury at Behest of Roy Cohn

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—Travel agent William D. Fugazy, erstwhile friend, client, and business partner of Roy M. Cohn, testified he lied six times at Mr. Cohn's behest to the grand jury that indicted Mr. Cohn on charges of perjury and conspiracy to obstruct justice.

Mr. Fugazy told jurors at the Cohn trial yesterday that he relayed messages from Mr. Cohn to defendants in the United Dye & Chemical Corp. stock fraud case in June 1962. But when he was questioned about these activities before a Federal grand jury in July 1962, Mr. Fugazy said, he followed Mr. Cohn's "advice" and omitted any reference to them.

Mr. Fugazy conferred later in the year with another attorney and then changed his testimony in a grand jury appearance last August.

During cross examination, the defense attacked Mr. Fugazy's credibility by showing his 17-year friendship with Mr. Cohn ended when the two became embroiled in disputes over business matters. This occurred before Mr. Cohn was indicted last September. In an assault on one count of the indictment, the defense got Mr. Fugazy to say he never "threatened anyone."

Mr. Cohn and another New York lawyer, Murray E. Gottesman, are being tried on charges of lying to the grand jury in 1962 and 1963 and conspiring to interfere with its investigation of their relations in 1959 with four defendants in the \$5 million United Dye fraud case.

Although no such charges have been filed, the Government contends Mr. Cohn and Mr. Gottesman were hired to contact a Government prosecutor in 1960 to see that the four United Dye associates weren't indicted. The four men, Samuel S. Garfield, Allen K. Swann, Allard Roeh and Irving Pasternak, weren't named as defendants in the first United Dye indictment in August 1960. They were indicted, however, in 1960 and 1961, and all pleaded guilty to some of the charges early in 1962.

The Government charges Mr. Cohn used his long-time friend, Mr. Fugazy, as his agent in attempts to keep Garfield and Roeh from telling the grand jury about their relations with Mr. Cohn in 1960. Four of the 10 counts in the Cohn-Gottesman indictment are based on Mr. Fugazy's testimony.

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Witness Describes Meetings

Count two charges that Mr. Cohn lied when he said he didn't have Mr. Fugazy speak to Garfield and Roen in June 1962 about the grand jury investigation.

Mr. Fugazy testified Mr. Cohn first asked him on June 6, 1962 to speak to Roen and Garfield in Las Vegas and ask them if they knew anything about the Government investigation and if they knew the names Gottesman and Robson.

The defense contends Garfield hired Mr. Gottesman, at Mr. Cohn's recommendation, in 1959 to make a legitimate contact with Morton S. Robson, then chief assistant U.S. attorney for the Southern District of New York. Garfield denied this earlier in the trial and said he never met or hired Mr. Gottesman. Garfield also said he arranged to split \$50,000 between Mr. Cohn and Mr. Robson for keeping him and his associates out of the 1959 indictment. Mr. Robson has denied the story; no charges have been filed against him.

Mr. Fugazy said he spoke first to Roen, manager of the Desert Inn and Stardust hotels in Las Vegas, and Roen said he knew nothing about the Government investigation. Garfield wasn't in Las Vegas.

A few days later, Mr. Fugazy continued, he saw Mr. Cohn in New York. Mr. Cohn asked him to make an effort to see Garfield. According to the witness, Mr. Cohn said "there was some attempt by the Government to involve him, that Mr. Gottesman was a lawyer he got to represent Garfield, and that Mr. Robson was an assistant (U.S. attorney) the Government was trying to involve."

"I didn't know what it was all about, and I expressed some displeasure at being involved," Mr. Fugazy recalled. "But Mr. Cohn said, 'The Government is harassing me and trying to frame me, and as a friend of mine you should try to help me.'"

Warning From Garfield

Mr. Fugazy said he planned a trip to Chicago later in the month, and, at the request

of Mr. Cohn, arranged to stop in Detroit and see Garfield, whose home is in Clare, Mich. At their meeting, Mr. Fugazy said, he told Garfield Mr. Cohn had said the Government was trying to frame him and that Garfield should know, if anyone asked, that Mr. Gottesman was a lawyer Mr. Cohn got for Garfield.

When he mentioned Mr. Robson, Mr. Fugazy said, Garfield replied that Mr. Cohn should know that two other United Dye associates had told the grand jury they overheard Mr. Cohn ask Garfield for money. When Mr. Fugazy asked if this was true, he said, Garfield replied, "Look, Bill, you're not involved in this, and you'd best stay out of it. If Roy wants to tell me something, let him talk to me."

Garfield also said, according to Mr. Fugazy, that he wanted to warn Mr. Cohn that he and Roen had been called to Washington by a Department of Justice official, who said "he wanted to get Mr. Cohn or wanted them to testify against him."

Mr. Fugazy said he reported back to Mr. Cohn, who then prevailed on him to send a message to Moe Dalitz, an owner of the Stardust and Desert Inn hotels, then on a trip to Europe. Mr. Fugazy is president of Fugazy Travel Bureau, Inc., the agency that handles reservations for the two hotels and that made arrangements for Dalitz's trip.

Cohn Threat Alleged

Mr. Fugazy said he was to get Dalitz to return to this country immediately, on the pretext that there were problems with hotel construction in Las Vegas. But, he said, Mr. Cohn told him to tell Dalitz—Garfield's friend and Roen's boss—"what the two men were doing." Mr. Fugazy said he also was to let the three men know that "unless Garfield and Roen stopped lying about him, Roy was going to bring the whole thing to a head and get everybody in trouble."

Dalitz, however, was "quite angry" when he found out why he had been called back.

Mr. Fugary noted, and said he didn't want to get involved.

Count three of the Cohn-Gottesman indictment charges Mr. Cohn lied under oath when he said he didn't get in touch with Dalitz in Europe or ask anyone in New York to get in touch with him.

Count eight of the indictment charges that Mr. Cohn caused Mr. Fugary to give false testimony to the grand jury on July 10, 1962. Mr. Fugary said yesterday that he consulted with Mr. Cohn before testifying and that Mr. Cohn advised him that because of the "client-attorney relationship" he wouldn't have to tell about the things Mr. Cohn had asked him to do.

As a result, Mr. Fugary said, he described all his contacts with Garfield, Roen, and Dalitz as part of the ordinary course of business. He cited six instances of false testimony: He had testified he saw Garfield in Detroit on business, rather than at the request of Mr. Cohn; he said Garfield, rather than he himself, raised the matter of the Government investigation; he said Garfield told him it wasn't true that Mr. Cohn asked him for money, when, in fact, Garfield made no such statement; he said he didn't discuss Mr. Gottesman with anyone in June; he said he didn't discuss Mr. Robson with anyone in June; he said his conversation with Roen only concerned the Desert Inn.

The Defense Cross Examines

In cross examination, Mr. Cohn's attorney, Frank G. Raichle, attacked Mr. Fugary's testimony by noting that he and Mr. Cohn had fallen out over their interests in the promotion of heavyweight championship fights. The two men were partners in promoting bouts between Floyd Patterson and Ingemar Johansson, but disputes arose over Mr. Fugary's share in the profits from matches between Mr. Patterson and Sonny Liston. Mr. Fugary and Mr. Cohn are suing each other in connection with fight proceeds and over legal fees, travel fees, and personal debts.

Mr. Raichle bore down hard on count six of the Cohn-Gottesman indictment. This charges that Mr. Cohn tried to influence Roen's grand jury testimony, partly through "threats" communicated by Mr. Fugary.

"Did you ever ask Roen to alter or suppress testimony?" the defense attorney asked.

"No, sir," Mr. Fugary replied.

"Did anyone ever ask you to ask him (Roen) to do this?" Mr. Raichle continued.

"No, sir," said Mr. Fugary.

At another point in the cross examination, Mr. Fugary declared, "I never threatened anyone in my life."

Mr. Raichle also got Mr. Fugary to say he believed Mr. Cohn was "innocent of any bribery, because I don't think he is that kind of person, no matter how angry I am at him."

"I feel sorry for Mr. Cohn, as I would for anybody in this position," Mr. Fugary added, "but I am telling the truth about my part in the affair."

The cross examination of Mr. Fugary will continue today.

Cohn Attorney To Grill Key Witness Again

JOSEPH COHEN

The defense attorney for Roy M. Cohn renews his attack today on testimony that the former Senate committee lawyer coached an ex-friend and business associate to lie to a grand jury probing a \$5-million stock swindle.

Frank Raichle mounted the cross-examination assault yesterday by drawing from the prosecution witness, William D. Fugazy, an admission that there was a long-standing feud between him and Mr. Cohn and that he might be "a little bitter."

Mr. Raichle also questioned the witness on a possible deal between him and the Justice Dept. but Mr. Fugazy denied such an agreement existed.

KEY QUESTIONS

The defense counsel's probing questions followed testimony by Mr. Fugazy, operator of a travel agency and Mr. Cohn's former friend and associate in the promotion of two Patterson-Johanson heavy-weight championship fights, that Mr. Cohn induced him to give false answers to a 1962 grand jury. The panel was probing the investigative aspects of the United Dye and Chemical Corp. stock fraud case.

The prosecution has contended that Mr. Cohn was responsible for the omission of the names of four men from a 1959 indictment involving United Dye. One of the four men—Samuel S. Garfield—has testified that Mr. Cohn and former Assistant U. S. Attorney Morton S. Robson split \$50,000 to keep the four out of the indictment.

Mr. Garfield and the three other men have since pleaded guilty to stock fraud indictments involving United Dye.

Mr. Fugazy, who said he later expanded on his initial grand jury testimony after consulting with a newly-hired lawyer, testified he originally gave false testimony to help Mr. Cohn.

Mr. Cohn and another attorney, Murray E. Gottesman, are on trial before Judge Archie O. Dawson on charges of conspiracy and perjury.

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Fugazy Faces Grilling by Cohn Defense

By TED POSTON and IRVING LIEBERMAN

Defense counsel for Roy M. Cohn tries today to break down the testimony of a "former friend" who said that Cohn persuaded him to lie to a federal grand jury. The jury was probing an aftermath of the \$5,000,000 United Dye and Chemical Corp. stock fraud case.

Frank Raichle, Cohn's chief counsel, continues his cross-examination of William Denis Fugazy he told a jury of 10 men and two women that Cohn, "my lawyer, former friend and associate," had him testify falsely in an effort to conceal Cohn's real activities from a 1962 grand jury looking into an earlier grand jury's findings in the United Dye case.

Cohn and attorney Murray E. Gottesman are being tried before Federal Judge Dawson on perjury and conspiracy charges growing out of their testimony before the 1962 grand jury.

Bribery Charged

The prosecution charges that Cohn and Gottesman took part in a scheme to prevent four confessed swindlers from being indicted by the 1959 grand jury, and that the swindlers arranged to pay \$50,000 to Cohn and to Morton S. Robson, then Chief Asst. U. S. Attorney here. Robson, who has denied receiving any bribe in the United Dye case, has been subpoenaed as a defense witness.

Fugazy, associated with Cohn in promoting two Patterson-Johansson fights, but now engaged in several civil lawsuits against him, testified yesterday that Cohn used him in an effort to prevent two of the swindlers—Samuel S. Garfield and Allard Roen—from telling government investigators about Cohn's 1959 activities in the United Dye case.

Fugazy testified that, at Cohn's urging, he even summoned Moe Dalitz, a gambler-associate of both swindlers, back from a European vacation to "put pressure" on Garfield and Roen. But when the alleged intimidation attempt failed, Fugazy said, Cohn persuaded him

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to lie to the grand jury about the attempt.

Opening his cross-examination, Raichle asked Fugazy if he had told several associates at the St. Regis Hotel bar last Sept. 17 that he believed Cohn to be "innocent."

Fugazy replied: "Yes, to this day I believe Mr. Cohn is completely innocent of bribery, because I don't think he's the type of person who would do that—regardless of how mad I am."

Then he added: "But on this issue I'm testifying on, I'm telling the truth."

Fugazy, who said he had been a partner with Cohn in several business ventures, denied that he was bitter or vengeful against the former McCarthy Investigating Committee counsel despite the fact that he has filed three lawsuits against him.

He said the suits involved his partnership in Championship Features, which sponsored the first Patterson-Johansson fight, unpaid travel bills over four years, \$30,000 he said he had personally loaned to Cohn.

Raichle produced a "Dear Roy" letter from Fugazy dated July 12, 1963, in which he expressed a desire to settle the suits, and the travel agent said:

"I didn't cherish having law suits with someone who had been my friend for 17 years and I still don't cherish it."

~~Fugazy: I Lied for Cohn~~

By Milton Lewis

Of The Herald Tribune Staff

A witness testified yesterday that Roy M. Cohn—by counseling him "how to answer"—duped him into committing perjury before a grand jury.

But William D. Fugazy, head of a travel agency, then recalled that he dumped his former good friend and business associate, Mr. Cohn, as his lawyer and conferred with Edward Bennett Williams, who sent him rushing back into that grand jury room to purge himself by telling the whole truth.

Mr. Fugazy, who blurted out on cross-examination that he thinks Mr. Cohn is innocent of "bribery," which is not the charge in the case, was on the stand all day at the Federal Court trial of Mr. Cohn. The latter is under indictment for perjury and conspiracy to obstruct justice by threatening and/or inducing various persons, including



William D. Fugazy

"Mr. Cohn told me to...."

Mr. Fugazy, to exculpate Mr. Cohn by giving trumped-up grand-jury testimony.

"I told Mr. Williams that I answered the questions in accordance with Mr. Cohn's advice," Mr. Fugazy, looking at the trial jury of 10 men and two women trying Mr.

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Cohn remembered. "Mr. Williams said to me, 'This means you haven't given the truth. You could be brought up for perjury.' Mr. Williams was shocked that I believed what I answered was proper because I had testified to what Mr. Cohn had told me to."

On cross-examination, Frank G. Raichle, Mr. Cohn's chief counsel, suddenly dropped a line of questioning concerning an affidavit—and the question of a certain "someone" holding onto that affidavit. It left the matter up in the air.

After Mr. Cohn and another lawyer, Murray E. Gottesman, were indicted last September, Mr. Fugazy testified, Thomas A. Bolan, one of Mr. Cohn's law associates, came to him with an affidavit to sign. This paper, the witness quoted Mr. Bolan as saying, would contain the "truth" and would help to clear Mr. Cohn. Mr. Fugazy, as Mr. Bo-

lan watched him from the defense table in court, testified:

"Mr. Bolan said I ought to sign it because should anything happen to me my grand-jury testimony would be read at the trial and Mr. Cohn had no way of getting that grand-jury testimony in advance. I am sorry to say that Mr. Bolan misled me. My lawyer (Mr. Williams) told me that should anything happen to me before the Cohn trial my grand-jury testimony would be inadmissible."

On advice of Mr. Williams, the witness related, he refused to sign it. Mr. Fugazy quoted Mr. Bolan as having told him:

"Mr. Bolan said for me to sign it and he would give it to someone to hold if I became deceased or met an accident. But I didn't sign."

Who is that "someone"?

Earlier, under questioning by Assistant U. S. Attorney Gerald Walpin, Mr. Fugazy testified that Mr. Cohn told him in 1962 to go see two confessed swindlers in the \$5 million United Dye & Chemical Corp. stock fraud, Samuel S. Garfield and Allard Roen, the latter the general manager of the Desert Inn, Las Vegas, Nev.

At that time, the grand jury was investigating Mr. Cohn and his lawyer co-defendant, Mr. Gottesman, to check if they conspired to save Mr. Garfield, Mr. Roen and others from indictment in 1959 in that stock swindle. There has been testimony that there was a \$50,000 payoff in 1959 — two-thirds to then chief Assistant U. S. Attorney Morton S. Robson and one-third to Mr. Cohn.

Mr. Cohn told him, Mr. Fugazy testified, to tell both Garfield and Roen that they had retained Mr. Gottesman



Herald Tribune—KML
Roy Cohn

as counsel in 1959 and also never to mention the name Robson. Both Garfield and Roen were then testifying in 1962 before the grand jury as cooperative witnesses, having pleaded guilty as swindlers.

Both Garfield and Roen didn't seem to recognize the name Gottesman, Mr. Fugazy testified, and when he mentioned the name Robson to them, both Garfield and Roen told him (Fugazy) not to get involved. Mr. Cohn kept saying, according to Mr. Fugazy, that the government was out to get him (Cohn) on trumped-up charges and that unless Garfield and Roen told the truth, he (Cohn) would get everybody in trouble.

"I accepted Mr. Cohn's statement," said Mr. Fugazy, who is now suing him on civil matters, having been his partner in promoting two Patterson-Johanson fights. "I didn't think he'd lie to me or tell me anything not true."

At another point the witness testified, half-leaning out of his seat:

"Mr. Cohn felt the government was trying to frame

him. He needed my help. I was willing to give him my help because he was my good friend . . . I didn't know what the case was all about. I read the papers. I still don't know what it's all about. I took his advice. I wanted to help him."

After he made his first appearance before the grand jury—and committed perjury at Mr. Cohn's behest—Mr. Fugazy recalled, the FBI wanted to interview him. So, the witness, making it plain that he was quite bothered, went to his "good friend" and a person he greatly admired, the since deceased Hearst columnist, George Sokolsky, a staunch anti-Communist.

"I told Mr. Sokolsky that I had nothing to hide," Mr. Fugazy testified in a hushed, packed court. "Mr. Sokolsky said it was not a good idea for me to see the FBI. He thought it would be un-American because you couldn't have a lawyer with you there."

But the witness did go to the FBI, after seeing his new lawyer, Mr. Williams.

Yes, Mr. Fugazy conceded under cross-examination, Mr. Cohn had repeatedly told him to tell the truth before the grand jury, but:

"On the other hand, he told me how to answer!"

"Did you get a message

from the Attorney General concerning a deal?" demanded chief defense counsel Raichle of Mr. Fugazy.

"I had no occasion to get a deal. I was not involved in the (stock fraud) case."

"Didn't your lawyer (Williams) tell you he got a message from the Attorney General?"

"I've been advised I don't have to answer any questions concerning relations between my lawyer and myself."

The defense was trying to show here that there is a government "vendetta" to get Mr. Cohn.

Mr. Fugazy, who while admitting he is no longer friendly with Mr. Cohn, main-

tained he was not bitter toward him, almost shouting:

"I wouldn't do anything to hurt his liberty or anything!"

And then, shortly before the recess was called until this morning, Mr. Fugazy was asked if he did not say—after the Cohn indictment was opened last Sept. 4—that he felt his former pal and business associate was innocent. The defense lawyer demanded a yes or no answer, but Judge Archie O. Dawson allowed the head of the Fugazy Travel Bureau to answer at length this way as the witness darted his right arm into the air for emphasis:

"To this day, I believe Mr.

Cohn is completely innocent of any bribery because I don't think he is the kind of person who would do that regardless of how mad I might be at him . . . I felt sorry for him!"

Defense counsel Raichle stood fast, near the jury box, as Mr. Fugazy cried out:

"I didn't understand the implications of this case. I still don't. Concerning any bribes, I don't think he is guilty."

But Mr. Cohn is not charged with bribery. He is accused of perjury and conspiracy to obstruct justice in allegedly trying to save from indictment swindlers involved in a \$5 million stock fraud.

Lied to Jurors in Palship For Cohn, Fugazy Swears

By NORMA ABRAMS and SIDNEY KLINE

William Denis Fugazy, 40, dapper man-about-town, onetime buddy of attorney Roy M. Cohn and Cohn's associate in the promotion of the two Patterson-Johansson heavyweight championship fights, testified yesterday that he lied to a federal grand jury out of friendship for Cohn.

No longer a friend of Cohn—Fugazy has three lawsuits aimed at his former pal—the witness appeared for the prosecution at the trial of Cohn and attorney Murray E. Gottesman on perjury-conspiracy charges, before Federal Judge Archie O. Dawson and a jury.

Cohn and Gottesman are in the dock in an offshot of the \$5 million United Dye and Chemical Corp. stock swindle.

Escaped '59 Indictment

Four men who were not named in a 1959 indictment for the swindle—Samuel S. Garfield, Allen K. Swann, Allard Roen and Irving Pasternak—were subsequently indicted and pleaded guilty. The government maintains that Cohn was instrumental in keeping the men from being indicted in 1959, and got \$50,000 from Garfield for the service. Two thirds of it allegedly went to Morton Robson, government prosecutor in the case, the other third of it allegedly to Cohn.

The current trial stemmed from an indictment handed up by a grand jury in 1963 which looked into the circumstances surrounding the failure to indict in 1959.

The indictment charges that Cohn and Gottesman lied to the 1963 grand jury and exerted pressure to get cover-up testimony from other witnesses.



William Denis Fugazy
Aids the prosecution.

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Calls Self Errand Boy

Yesterday, Fugazy — president of a prosperous family-owned travel agency—testified that he was an errand boy for Cohn in an effort by Cohn to influence what Garfield and Roen were to tell the grand jury.

Fugazy said he corrected his misstatements to the grand jury after retaining famed Edward Bennett Williams as his counsel and learning that he could face perjury charges unless he cleared the record.

Assistant U.S. Attorney Gerald Walpin asked why Fugazy gave false testimony in the first place. "Cohn was my lawyer, friend and associate," Fugazy said

earnestly. "He said he thought the government was trying to frame and hurt him, and he wanted my help because he was my friend."

A Mystery to Him

"I told him I would be guided by his advice and would help because I was his friend. Mr. Walpin, I didn't know what this case was about until I read about it in the newspapers, and I still don't know."

Fugazy told of a trip to Detroit in June, 1962, on which he met with Garfield.

"Roy Cohn said I should remind Mr. Garfield that Mr. Gottesman was a lawyer Mr. Cohn had gotten to represent him (Garfield) in some matter, and if Garfield was asked about it he should know it," said Fugazy.

Earlier testimony in the trial brought out that Cohn and Gottesman told the 1963 grand jury that they had met with Garfield and Swann in New York, and Swann had retained Gottesman as counsel on Garfield's suggestion. Both Garfield and Swann denied that any such meeting

took place or that such an appointment had been made.

Fugazy—fiddling with a gold chain on his vest—said that he also traveled to Las Vegas to

meet with Roen and carried Cohn's message to him—that if Roen lied to the grand jury "Cohn was going to fight and bring out all the facts."

Fugazy conceded that in his own appearance before the grand jury he lied in saying that his only conversation with Roen dealt with art work in the Desert Inn, Las Vegas, of which Roen was manager.

Called In by Walpin

The witness said he relayed to Roen the opinion of Cohn that Roen and Garfield were lying to the grand jury to save their necks and that if this kept up "Cohn was going to bring this out, and everybody would get in trouble."

Fugazy told the court that his change of mind came about after

Walpin called him in and proposed that he get counsel other than that of Cohn's firm, then return. The witness said he then retained Williams—and told Walpin and the FBI the truth.

Under cross-examination by Frank Raichle, Cohn's lawyer, Fugazy said that, despite the end of his friendship with Cohn, Fugazy did not believe Cohn was guilty of bribery.

Fugazy will continue under cross-examination today.

Witness Says Cohn Told Him 'It's No Crime Not to Remember'

By HOMER BIGART

A second Government witness in the trial of Roy M. Cohn testified yesterday that he had lied on behalf of Mr. Cohn before a Federal grand jury in 1963.

The witness, Eli Boyer, a Los Angeles accountant and friend of Mr. Cohn's, said he had also served as a pipeline for threats to a grand jury witness who was testifying against Mr. Cohn.

But under cross-examination the witness put a less sinister implication on Mr. Cohn's coaching of him on the eve of his grand jury appearance.

Mr. Cohn never told him to lie, Mr. Boyer testified. Mr. Cohn's general instructions were "simply tell 'em what you know," and "it's no crime not to remember," the witness said.

Mr. Cohn and his co-defendant, Murray E. Gottesman, a Manhattan lawyer, are on trial before Federal Judge Archie O. Dawson and a jury of 10 men and 2 women. The Government charges that Mr. Cohn and Mr. Gottesman committed perjury and conspired to obstruct justice during the Government's investigation of a multimillion-dollar swindle involving stock of the United Dye and Chemical Corporation.

Mr. Boyer, a thin, nervous man who spoke with a slight lisp, said he had lied to the grand jury because "I certainly

didn't want to say anything that would embarrass Mr. Cohn" and "I tried to follow his advice that it was no crime not to remember."

He said he had lied in telling the grand jury that Mr. Cohn had never discussed the Government investigation with him.

He admitted that he had relayed threats by Mr. Cohn to Allard Roen, manager of the Desert Inn in Las Vegas. He said that Mr. Cohn had told him to tell Roen, a confessed stock swindler, that unless Roen stopped testifying against him "he would make it very difficult for people in Las Vegas."

Mr. Boyer was the second Government witness who said he had lied under oath after some coaching by Mr. Cohn.

On Thursday William Dennis Fugasy, a former friend and business associate of Mr. Cohn's, testified that Mr. Cohn

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had induced him to withhold information from the grand jury.

Yesterday morning Mr. Fugazy was subjected to sharp cross-examination by Mr. Cohn's chief counsel, Frank Raichle.

"Mr. Cohn told me to tell the truth," Mr. Fugazy conceded. "But he told me of the lawyer-client privilege, and he told me there were certain topics I didn't have to talk about" to the grand jury.

Such topics included the real reason why Mr. Fugazy summoned Moe Dalitz, a Las Vegas gambler, back from a European vacation last year, Mr. Fugazy said.

Dalitz, according to the Government, was asked to persuade two confessed stock swindlers not to reveal Mr. Cohn's alleged efforts to save them and two others from indictment in 1939. The four swindlers escaped indictment in 1939 but were subsequently indicted and pleaded guilty.

One of them, Sam S. Garfield, testified Monday that he had split \$50,000 between Mr. Cohn and Morton Robson, who was Chief Assistant United States attorney in 1939, to evade indictment. Mr. Robson has branded this testimony as a "vicious lie."

Dalitz, the Government contends, was to have been the "muscle" behind threats that were relayed by Mr. Fugazy and Mr. Boyer to Garfield and Roen. Mr. Cohn had heard that Garfield and Roen were testifying against him. But Mr. Fugazy said that Dalitz flatly refused to put any pressure on Garfield and Roen.

Denies Beating Wife

To discredit Mr. Fugazy, the defense hurled various charges against the travel agent and sports promoter. Mr. Raichle tried to get Mr. Fugazy to admit that he had flown to California with Mr. Cohn last summer because "you had a fight with your wife." Mr. Fugazy had testified that Mr. Cohn had used the trip to coach him on his impending grand jury testimony.

"You beat her up, didn't you?" demanded Mr. Raichle.

"That's ridiculous," replied Mr. Fugazy.

Didn't Mrs. Fugazy have to flee to her neighbors for protection? Mr. Cohn's lawyer persisted.

"Mr. Raichle, that's not true," said Mr. Fugazy loudly.

Mr. Fugazy also denied that he had ever threatened to "put Cohn in jail."

He did admit hitting a former business associate, Frederic H. Brooks, on the head with a briefcase, but said it was "an accident."

Mr. Brooks, a courtroom spectator, told reporters at recess that he had brought a \$500,000 damage suit against Mr. Fugazy alleging assault. He said Mr. Fugazy had also punched him in the jaw.

Told to 'Stay Out'

Mr. Boyer followed Mr. Fugazy to the witness box.

He said that after he had delivered Mr. Cohn's warning to Roen, the latter had told him: "Don't care what Cohn or any of his men say. I advise you to stay out of this."

Under cross-examination Mr. Boyer admitted that the advice Mr. Cohn had given him on the eve of his grand jury appearance was similar to that he had received from his own lawyer in Los Angeles.

"Neither your lawyer nor Mr. Cohn asked you to tell any lies, did they?" Mr. Raichle asked.

"No," said the witness.

"At no time did Roy tell you to do anything wrong—that's true isn't it?" demanded Mr. Raichle.

"Yes," said Mr. Boyer in a barely audible voice.

Fugazy Testimony Supported

The day's session ended with testimony by Andrew Lamb, treasurer of Montgomery Ward & Company of Chicago. Mr. Lamb supported Mr. Fugazy's testimony that Mr. Fugazy performed a mission for Mr. Cohn in Detroit in June, 1942.

Mr. Fugazy had testified that he had gone to Detroit to talk to Sam Garfield about the investigation of Mr. Cohn. The defense contends that Mr. Fugazy went to Detroit solely on his own business.

Mr. Lamb said he had met Mr. Fugazy in Detroit and had discussed business. But he said he remembered Mr. Fugazy's saying that the hastily arranged Detroit meeting was advantageous because "he could do a favor for Roy in Detroit."

Gerald Walpin, prosecutor, told Judge Dawson that the Government expects to wind up its case Monday. The defense said it would need two weeks.

Cohn Quoted: It's No Crime Not to Recall

By NORMA ABRAMS and SIDNEY KLINE

Eli Boyer of Los Angeles, a friend of Roy M. Cohn and a certified public accountant whose client includes the Desert Inn, Las Vegas, testified yesterday that the night before he went before a grand jury probing Cohn's role, "It's no crime not to remember."

"Cohn told me to tell the truth on the main matter," Boyer recounted to Federal Judge Archie O. Dawson and a jury, "but when it came to the previous grand jury testimony by Samuel Garfield and Allard Roen it was no crime not to remember."

Cohn, 37, onetime counsel to the late Sen. Joseph McCarthy's Senate investigation committee, and attorney Murray E. Gottesman, 55, are on trial on charges of perjury and conspiracy.

The Non-Indicted 4

In 1959, when indictments were returned in the \$5 million United Dye and Chemical Corp. stock swindle, four swindlers were not indicted. They were Garfield and Roen, Allen K. Swann and Irving Pasternak.

The government maintains that Cohn and Gottesman had a hand in keeping the four off the indictment—and that Cohn and Morton Rohson, the prosecutor, split \$50,000 provided by Garfield, an oil promoter and gambler, and by Roen, manager of the Desert Inn.

The four swindlers were indicted by a subsequent jury and pleaded guilty. Still another grand jury then looked into circumstances of the 1959 indictment, and this jury indicted Cohn and Gottesman on charges of lying to it and attempting to influence the testimony of other witnesses.

Reported a Conversation

Boyer told the court that late in 1960 he talked with Roen at the Desert Inn, and later reported the conversation to Cohn.

"I told Cohn," said Boyer, "that Roen was very upset. He said he paid him (Cohn) a large fee for doing something for him—\$50,000—and now he was unable to get in touch with him."

Boyer said Cohn, who had been in the Navy and in Army military and

had been busy but would get in touch with Roen.

Later, the witness testified, it was Cohn who was concerned. The time was June, 1962, and Cohn told Boyer that he was upset because Garfield and Roen

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were talking to the authorities
in a manner that was injurious
to him."

Boyer said he reported that
talk to Roen, and Roen replied,
"I don't care what Cohn or any-
body else says." Boyer said Roen
advised him to "get out of it,"
that the matter was very, very
serious.

Boyer testified that he contin-
ued to intervene, advised Garfield
of Cohn's concern and helped
arrange a meeting between the
two at which Cohn told Garfield
of his distress that Garfield was
"involving friends before the
grand jury."

"Wasn't Told to Lie"

On May 15, 1963, said Boyer,
he dined with Cohn on the eve
of Boyer's appearance before the
grand jury and Cohn advised him
on how to testify.

Under cross-examination, Boy-
er said Cohn did not tell him to
lie to the grand jurors.

Earlier in the day, William
Denis Fugazy, 39, a former busi-
ness associate of Cohn in sports
promotion, and a former pal of
his, underwent cross-examination.

The prosecution will call Roen
as a witness when the trial re-
sumes on Monday.

Another Cohn Friend Confused on 'Truth'

By Milton Lewis
Of The Herald Tribune Staff

An accountant concluded his testimony yesterday at the Roy M. Cohn perjury-conspiracy trial this way:

"I'm getting a little confused as to what the truth means."

Eli Boyer, a CPA, smiled broadly at Mr. Cohn in taking the stand in Federal Court—and Mr. Cohn smiled at him. Mr. Boyer described himself as a "very good friend" of Mr. Cohn. He was asked by the prosecution what counseling he got from Mr. Cohn, his twice-around-the-world traveling companion, the night before he went in to the grand jury investigating Mr. Cohn.

This is what Mr. Boyer, a 42-year-old immaculately clad, lean, dark figure, answered:

"Mr. Cohn told me I should know it is not a crime not to remember."

And then Mr. Boyer, built along the same lines as Mr. Cohn, admitted that he had given false statements to the grand jury at Mr. Cohn's behest.

But later, under cross-examination by Mr. Cohn's

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...you go in there and ask all your questions and questions they want you to ask.

The district

...Thank you very much.

The president

...In that case, the jury

...The jury is going to make a decision as to what the truth is.

On Thursday, William D. Boyer, head of the Federal Travel Bureau and a former friend and business associate of Mr. Cohn, testified that Mr. Cohn had duped him into committing perjury before the grand jury.

Mr. Cohn is on trial on charges of perjury and conspiring to obstruct justice by allegedly saving from indictment in 1959 four swindlers involved in the \$6 million United Dye & Chemical Corp. stock fraud.

Next Monday, one of those four swindlers, Alfred Roen, will take the stand. (All four were indicted in 1959 and 1961 and have pleaded guilty). There has been previous testimony in the current trial from one of the confessed swindlers that Roen paid "two-thirds of \$50,000" to Morton S. Robson, chief assistant U. S. Attorney in 1959, to avoid indictment. Mr. Robson has denied this. The other one-third of the \$50,000, according to testimony, went to Mr. Cohn.

Mr. Boyer, whose home is in Los Angeles, is the accountant for the Desert Inn, Las Vegas, which Roen runs. In late 1959—when Roen and his three swindler associates were indicted, Roen telephoned Mr. Boyer to pass a message along to Mr. Cohn.

"I told Mr. Cohn," Mr. Boyer testified, "that Mr. Roen was very upset. Mr. Roen said he had paid him (Cohn) a large fee to do something for him and now was unable to get in touch with him."

"What was that fee?" asked Assistant U. S. Attorney Donald S. Cohn, no kin to defendant Cohn.

"To the best of my recollection, \$50,000."

In June, 1960—after Roen and another swindler, Samuel E. Garfield, had pleaded guilty and were co-operating with the grand jury investigating Mr. Cohn—Mr. Boyer went on:

"Mr. Cohn was very upset about Garfield and Roen talking to the government in a manner injurious to him. He said if they persisted, he'd make it difficult for the Las Vegas people."

When he passed the message to Roen, Mr. Boyer testified, Roen told him:

"Don't care what Cohn or anybody else says."

In addition, Mr. Boyer said Roen told him:

"The way out of this. This is a very serious matter."

In the grand jury's development, Mr. Boyer swore that Mr. Cohn had never discussed with him the grand jury investigation of Mr. Cohn. Mr. Boyer admitted he had had

Cohn on Trial

Roy M. Cohn, 37, first was in the public eye in 1954, when, as chief counsel to the Senate Permanent Subcommittee on Investigations, he had a prominent supporting role in the televised Army-McCarthy hearings. Since then he has been both lawyer and businessman, joined in promoting the second Patterson-Johansson fight, and is said to be an investor in a Las Vegas gambling and entertainment palace.

Last September Mr. Cohn was indicted by a Federal grand jury on charges linked to a case that began in 1959 and was subsequently reopened. The case involved charges of fraud in connection with United Dye & Chemical Corporation stock. Mr. Cohn was accused of committing perjury, obstructing justice and attempting to "influence, intimidate and impede witnesses before the grand jurors"—all in an attempt to prevent the indictment of four men in the case. (The four were indicted in 1960-61 and pleaded guilty as swindlers but only one has been sentenced.) Indicted with Mr. Cohn on similar charges was another lawyer, Murray E. Gottesman. Both denied the charges.

Mr. Cohn accused Robert Morgenthau, U.S. Attorney for the Southern District of New York, of pressing the charges out of a "personal animus" against him and to "pander" to "prejudices of his superiors." This was interpreted as a reference to Attorney General Robert F. Kennedy, with whom Mr. Cohn has had differences since both served the McCarthy subcom-

mittee (Mr. Kennedy was minority counsel).

The trial opened two weeks ago with the Government promising to prove that Samuel S. Garfield, a Las Vegas gambler and one of the four who pleaded guilty in the stock case, had arranged to pay Mr. Cohn \$50,000 to head off the threatened indictments. Mr. Cohn's lawyer, Frank G. Raichle, replied that the Government's charges were lies, and the product of deals between the prosecution and the swindlers, who expected clemency.

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2d Swindler on the Stand To Testify Against Cohn

By IRVING LIEBERMAN and TED POSTON

The government neared the conclusion of its prejury-conspiracy case against Roy Cohn today by calling a confessed swindler who is said to have paid \$33,000 to former Chief Asst. U. S. Attorney Morton S. Robson to save four men from a stock fraud indictment.

Today's witness—the 22d called by the prosecution—is Allard Roen, manager of the Las Vegas Desert Inn, and one of the four who pleaded guilty to stock fraud charges after two subsequent indictments.

Samuel S. Garfield, another confessed swindler, has told Federal Judge Dawson and a jury of 10 men and two women that he personally paid Cohn \$16,666 to "fix" the 1959 federal grand jury, and that he arranged for Roen to pay Robson "the other two-thirds of \$50,000."

Robson, who has been subpoenaed by the attorneys for Cohn and his co-defendant, attorney Murray E. Gottesman, has denounced Garfield's testimony as "a vicious lie," and is expected to challenge it on the witness stand.

Although charges of bribery have highlighted the nine days of the trial, Cohn and Gottesman are not charged with that crime. They are accused of lying to the 1962 federal grand jury that revived the United Dye fraud investigation, and of trying to get others, including Roen and Garfield, to lie about their activities in the 1959 inquiry.

Amt. U. S. Atty. Walpen, who

with Donald Cohn, no relation to the defendant, has prosecuted the case, told Judge Dawson Friday that he planned to call only one more witness after Roen. This witness, he said, is a U. S. citizen who is flying back here from Ireland to testify.

Frank C. Raichle and Henry Chapman, counsel for Cohen and Gottesman, have indicated that they plan to call at least 35 witnesses and to take from a week to 10 days to complete the defense.

Friday the jurors heard two longtime friends and business associates of the former counsel of the McCarthy Senate Investigating Committee admit that they had lied to the 1962 grand jury on the "advice" of Cohen.

William Denis Fugazy, travel agency head who was associated with Cohn in the promotion of the two Patterson-Johansson fights, testified that he had failed to tell the jury that he had summoned Moe Dalitz, another Las Vegas gam-

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bler back from a European ~~vacation~~ at Cohn's urging in an effort to stop Garfield and Roen from cooperating with government investigators looking into Cohn's 1959 activities.

Eli Boyer, a Los Angeles certified public accountant who said he had twice traveled around the world with Cohn, testified that Roen had once told him he had "paid Cohn \$50,000 to do something for him."

Boyer said that he omitted telling the grand jurors this, or that he had transmitted to Garfield and Roen a Cohn threat "to make trouble for a lot of people" after his longtime friend advised him on the eve of his jury appearance that "it's no crime not to remember."

Both Fugazy and Boyer went back before the jury that had indicted Cohn and Gottesmen and "elaborated" on their original testimony. Both said they had lied on the "advice" of their longtime friend.

Second Government Witness Says He Lied To Grand Jury on the Advice of Roy Cohn

By a WALL STREET JOURNAL Staff Reporter

NEW YORK—A second Government witness testified he followed Roy M. Cohn's advice in lying to the Federal grand jury that last September indicted Mr. Cohn on charges of perjury and conspiracy to obstruct justice.

The witness, Eli Boyer, a Los Angeles accountant, also asserted that at the request of Mr. Cohn he told Allard Roen, one of the defendants in the United Dye & Chemical Corp. stock fraud case: "If he didn't stop talking to the Government about Mr. Cohn, he (Mr. Cohn) would make it very difficult for the people in Las Vegas."

Roen is manager of the Desert Inn and Stardust hotels in Las Vegas. Roen; Samuel S. Garfield, a gambler and oil promoter with investments in Las Vegas; Irving Pasternak, Garfield's partner, and Allen K. Swann, their lawyer, all pleaded guilty to part of a 1961 indictment in the \$5 million United Dye swindle. They weren't made defendants in the original United Dye indictment in 1959, however.

The perjury and conspiracy charges against Mr. Cohn and Murray E. Gottesman, another New York lawyer, grew out of the Government's investigation of allegations they had a hand in keeping the four United Dye associates out of the 1959 indictment. Mr. Cohn and Mr. Gottesman are charged with lying in 1962 and 1963 to the Federal grand jury investigating their activities in 1959 and with interfering with the testimony of other grand jury witnesses.

On Thursday, William D. Fugary, once a close friend and business associate of Mr. Cohn, said he lied in six instances to the grand jury at the prompting of Mr. Cohn. This grand jury testimony is the basis of one of the charges against Mr. Cohn.

Mr. Cohn, the 37-year-old former chief counsel for the late Sen. McCarthy's investigations of alleged subversives, isn't charged with inducing Mr. Boyer's false testimony. But he is charged with "procuring" Mr. Boyer "to communicate threats" to Roen.

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"Fee" of \$50,000

Mr. Boyer, a dark, well-dressed man, told the jury Friday he had been a close friend, business associate, and traveling companion of Mr. Cohn. Late in 1960, Mr. Boyer related, Roen called him and asked for help in reaching Mr. Cohn. "Roen was very upset," Mr. Boyer recalled. "He said he had paid a large fee—\$50,000—to Mr. Cohn to do something for him, and now he was unable to get in touch with him."

Mr. Boyer's mention of the \$50,000 wasn't explored by either the Government or the defense. Earlier in the trial, Garfield testified he arranged to have \$50,000 split between Mr. Cohn and a Government prosecutor to keep the four associates out of the 1960 indictment. The four men were made defendants in a second indictment in the fall of 1960, however, and also in a third in 1961.

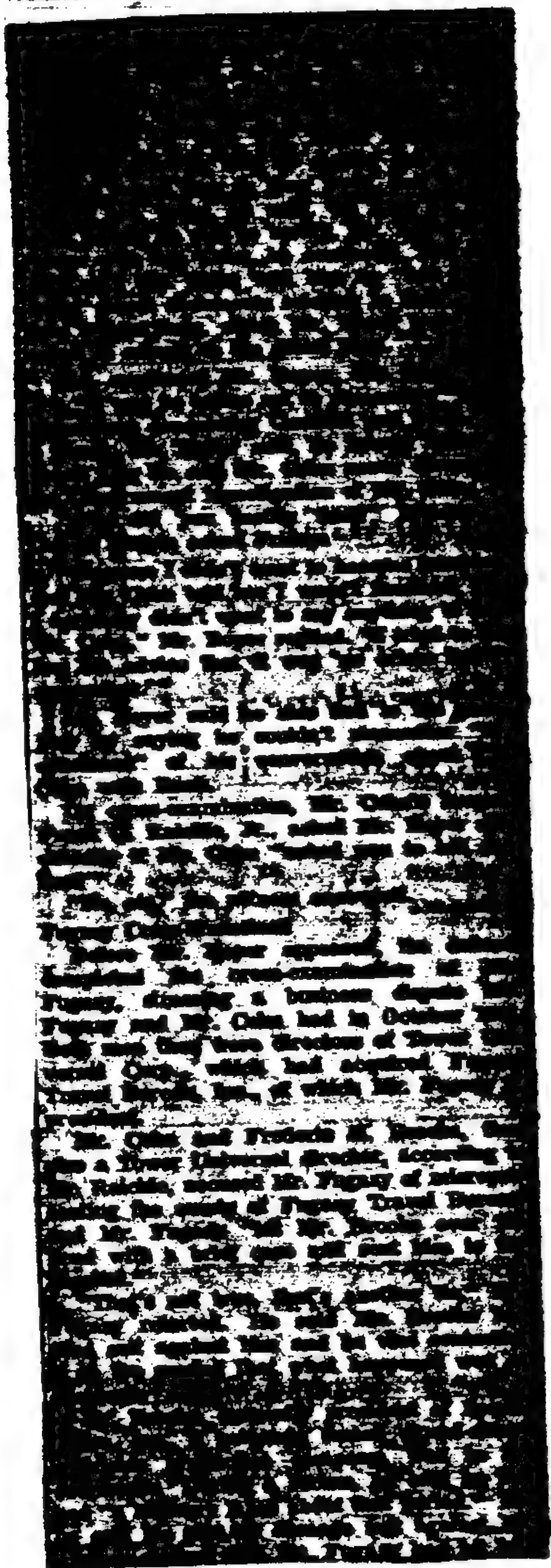
No bribery charges were brought against Mr. Cohn, Mr. Gottesman, or the Government prosecutor.

Mr. Boyer's testimony then turned to June 1962, when in a sidewalk conversation in front of Mr. Cohn's New York office, Mr. Boyer said, Mr. Cohn told him "Garfield and Roen were talking to the Government in a manner injurious to him."

Mr. Boyer said Mr. Cohn asked him to convey to Roen a message that Mr. Cohn was prepared to make trouble for Roen, Garfield, and Moe E. Dalitz, a gambler and an owner of the Desert Inn and Stardust hotels and Roen's boss. Dalitz wasn't a defendant in the United Dye case.

Message Allegedly Relayed

Later the same day, Mr. Boyer said, he saw Roen and gave him the message. But Roen replied that he didn't care what anybody said, that he was going to do what his lawyer advised him was best, Mr. Boyer continued;



from behind with a brief case and then punched him in the jaw. Mr. Brooks said he suffered a concussion and spent 10 days in a hospital.

Fugazy Travel Bureau later was sold by Tower Universal at a loss.

Montgomery Ward Official

Another witness Friday was Andrew Lamb, treasurer of Montgomery Ward & Co., which at one time employed Fugazy Travel Bureau for travel services. Under Government questioning, Mr. Lamb said he met Mr. Fugazy in Detroit in June 1962 with Garfield. Previously, he said, Mr. Fugazy had tried by telephone to arrange a meeting in Chicago. When Mr. Lamb said he would be in Detroit on the day in question, he continued, Mr. Fugazy replied they could meet there because "he could do a favor for Roy Cohn in Detroit."

The Government contends Mr. Fugazy went to Detroit to talk to Garfield at the request of Mr. Cohn. The defense contends Mr. Cohn made no such request and that Mr. Fugazy's trip was solely for his own business purposes.

Prosecutor Walpin said that he would call Roen to the stand today and that he had only one more witness to present—an unidentified American who was expected to return to this country from Ireland over the weekend.

Mr. Raichle told the judge he expected the defense "might take a full week" to present its case, but Mr. Cohn said to him it may take "two or three."

The Roy Cohn Trial: Defense Gets Its Day

By JOSEPH COHEN

The defense in the Roy M. Cohn - Murray E. Gottesman conspiracy-perjury trial opens today with scheduled testimony by two former Federal prosecutors aimed at proving:

- That it was the government's lack of sufficient evidence—and not Mr. Cohn—which prevented the 1959 indictment of four men in the \$5-million United Dye and Chemical Corp. stock fraud case.

- That evidence uncovered after the 1959 indictment did implicate the four confessed swindlers and they were subsequently indicted.

- That \$13,000 could never

have been paid in Las Vegas to former Asst. U.S. Attorney Merton S. Robson as part of an alleged scheme to thwart the 1959 indictment because Mr. Robson has never visited the gambling mecca in his life.

Mr. Cohn's attorney, Frank Raichle, is expected to elicit these key points — among others — in scheduled questioning of S. Hazard Gillespie, who was U.S. Attorney

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here at the time of the 1959 indictment; and Mr. Robson, who was an assistant under Mr. Cohn.

The defense argued at length, after the prosecution rested late yesterday, against all counts in the indictment of Mr. Cohn, a former Asst. U. S. Attorney and former Senate Committee counsel, and Mr. Gottesman, who also is an attorney.

Mr. Gottesman's lawyer, Henry K. Chapman, assailed the conspiracy charges as "the darling of the prosecutors' nursery."

Federal Judge Archie O. Dawson seemed to concur with the remark:

"I wish the U. S. Attorney would get down to indicting for crimes instead of amorphous conspiracy."

Several times, Asst. U.S. Attorney Gerald Walpin argued that subpoenas received by grand jury witnesses had "triggered" some concerted action by the defendants.

"Don't talk about triggers," said Judge Dawson. "Where's the proof of an agreement?"

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Roy Cohn Defense Calling Robson on Bribe Charge

By TED POSTON and IRVING LIEBERMAN

The defense calls to the witness stand today a high-ranking former U. S. prosecutor who two self-confessed swindlers swear shared a \$50,000 bribe with Roy M. Cohn to fix a federal grand jury indictment in the \$5,000,000 United Dye and Chemical Corp. stock fraud case.

Morton S. Robson, former chief Asst. U. S. Attorney, will be the second defense witness before Federal Judge Dawson and a jury of 10 men and two women in the perjury-conspiracy trial of Cohn and attorney Murray E. Gottesman.

Robson, who served briefly as the Eisenhower Administration's first U. S. Attorney here, will follow S. Hazard Gillespie, his predecessor, to the stand.

Cohn and Gottesman are being tried on a three-count indictment which alleges that they lied to a 1962 grand jury investigating the possibility of "fix" in the earlier 1959 United Dye case in which four admitted swindlers were named as coconspirators, (but not as defendants) in the stock fraud case.

But it is the defense which has placed into the trial record testimony of bribery and reported payoffs to thwart justice

in the original United Dye investigation.

Thus, each time under cross examination, Frank Raichle, Cohn's chief counsel, drew from Samuel S. Garfield and Allard Roen, two of the swindlers, testimony that Cohn was paid \$16,666 and Robson \$33,334 to see that none of the four were named defendants in 1959.

Raichle also developed testimony that Leonard Glass, another former U. S. Assistant Attorney, wrote out questions for Allen K. Swann, a third admitted swindler, so that he could give favorable testimony for the other stock manipulators, including Irving Pasternak, before the 1959 grand jury.

All four were subsequently indicted by another grand jury and pleaded guilty to the stock fraud charges.

Judge Dawson denied defense motions to throw out the three-count indictments yesterday after Asst. U. S. Atty. Walpin concluded his case with 23 witnesses and 10 days of testimony. Judge Voices Doubt

Dawson said that the jury must decide whether the two

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lawyers committed perjury or tried to obstruct justice before the 1962 jury which indicted them.

He expressed some doubts about the conspiracy count, however, and told Walpin "I wish the U. S. Attorney would get down to indicting for crimes instead of amorphous conspiracy."

He reserved decision on the motion to dismiss the conspiracy count after Walpin said: "We are here to enforce the law as Congress sets it down."

Robson, who has already denounced the bribery testimony as a "vicious lie," is expected to produce office diaries and appointment books indicating that he was here and not in Las Vegas on Aug. 23, 1959, the day the alleged \$33,334 payoff was made there.

Gillepsie is believed ready to testify that he assigned Glass to present the 1959 United Dye case to the jury and to say that he saw nothing suspicious in the naming of the four swindlers as co-conspirators instead of defendants.

The defense may take two weeks, counsel said.

Defense Opens Today in Cohn Trial

By NORMA ABRAMS and HARRY SCHLEGEL

After 10 days and 22 witnesses, the government rested its case yesterday in the Federal Court trial of attorneys Roy M. Cohn and Murray E. Gottesman on charges of perjury and conspiracy to obstruct justice.

The defense will open today, with its second witness slated to be Morton Robson, former chief assistant U.S. attorney here, who was named by two prosecution witnesses as the recipient of \$33,333 in a Las Vegas payoff.

Indictment Omitted 4

It was yesterday's final witness, Allard Roen, a Las Vegas resort manager and confessed swindler, who swore he gave Robson the money on Aug. 23, 1958.

Later, an indictment was returned here, omitting Roen, Samuel S. Garfield, Irving Pasternack and Allen Swann from those named in a stock-fraud conspiracy involving the United Dye & Chemical Corp.

Previously, Garfield had testified that he arranged that payment and one of \$16,666 to Cohn.

The details were given by Roen, as defense lawyers took

him under cross-examination yesterday.

He said he returned to Vegas from California on Aug. 23, phoned Garfield at his Michigan home, and asked for the name of the "someone who was coming out to collect two thirds of \$50,000."

"He told me his name was Robson, that he would contact me and identify himself," Roen said. "Early that afternoon I was paged, picked up the phone and a man said Roy Cohn sent him out."

A Stranger Enters

Roen said he drew the dough at the cashier's cage in the Desert Inn, put it in an envelope, and then met the stranger near an elevator.

"I said, 'Are you Mr. Robson?'" Roen testified. "He said 'yes.' I said, 'Roy said to give you this.' I gave him the envelope." Roen said they went to the

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where "he put it (the envelope) in his breast pocket and walked out the front door."

Question of Identity

Judge Archie O. Dawson asked how the supposed Robson identified himself.

"He called and said his name was Robson," Roen replied. "I said 'are you Mr. Robson' and he said 'yes.'" He said the man who took the envelope wore a brown sport jacket, carried a raincoat, and had brown hair and "a rather long face—dark complected."

Roen admitted that Robson was "never a guest at the Desert Inn," and Cohn's lawyer, Frank Raichle, brought out that Roen had no records of Robson stopping at the inn "at any time in his life."

Robson, who has denied any such payment, will be proceeded to the stand today by former U.S. Attorney S. Hazard Gillespie. Both are appearing voluntarily, according to the defense.

After the prosecution rested yesterday, Dawson denied motions to dismiss several counts in the indictment, but reserved decision on one dealing with the conspiracy phase of the case.

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

3 NEW YORK WORLD
TELEGRAM AND THE SUN

Cohn Opening Defense In Perjury-Conspiracy Case

Roy Cohn's lawyers begin presenting his side of the perjury-conspiracy case today in Federal Court.

The government rested its case yesterday after Allard Roen testified that Morton S. Robson, former chief assistant United States Attorney, had received a \$33,333 payoff to keep Roen and three other men from being indicted for stock fraud in 1959. Cohn, the witness said, had received \$16,667—remainder of the \$50,000 price for suppressing the indictment.

Nevertheless, Roen and his

confederates were cited later in the United Dye and Chemical Corp. swindle, pleaded guilty and are awaiting sentence.

Cohn and another lawyer, Murray E. Gottsman, are accused of conspiring to obstruct justice and of lying to the 1963 grand jury that sought to learn why the quartet had not been named in the earlier true bill.

Roen, manager of the Desert

Inn and Stardust Hotel in the Vegas, identified Robson in a group photo. He said the payoff was made Aug. 23, 1959 in an elevator at the Desert Inn.

Robson insisted last night—out of court—that he had never been in Las Vegas and had never met Roen. He had never received money from Roen, nor had anyone else had ever taken money from Roen in his behalf, Robson declared.

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Ex-Official Asserts He, Not Cohn, Kept 4 From Indictment

By HOMER BIGART

Former United States Attorney S. Hazard Gillespie testified yesterday at the trial of Roy M. Cohn that he himself had made the controversial decision to omit from a 1959 stock-fraud indictment the names of four men who later pleaded guilty as swindlers.

This testimony struck at the heart of the Government's case against Mr. Cohn, former chief counsel to the late Senator Joseph R. McCarthy. The Government contends that Mr. Cohn and Murray E. Gottesman, also a lawyer, conspired to enable the four men to escape indictment and later committed perjury to cover up the alleged conspiracy.

Mr. Gillespie, the first witness called by the defense, was followed by Morton S. Robson, a former Chief Assistant United States Attorney, who angrily denied the imputation that he had taken a \$33,333 bribe from one of the swindlers.

On Monday the climactic witness for the Government, Allard Roen, manager of the Desert Inn in Las Vegas, Nev., said he had given the money to Mr. Robson in an elevator at the inn. He said the sum was two-thirds of \$50,000 that Samuel S. Garfield, gambler and oil promoter, was splitting between Mr. Robson and Mr. Cohn to prevent the indictment of Garfield, Roen and two others.

In a ringing voice, Mr. Robson

declared: "I've never been in Las Vegas in my life, to this day.

On Aug. 23, 1959, the day of the alleged payoff in Las Vegas, Mr. Robson said, he was helping his wife unpack furniture in their new apartment in Riverdale, the Bronx.

A crowded courtroom, containing many friends of Mr. Cohn, savored the opening assault on the Government's case. Mr. Robson, who is 41 years old, tall, lean bespectacled, did not attempt to hide the bitterness he felt toward the Government prosecutor, Gerald Walpin, and others in the United States Attorney's office for permitting testimony of alleged bribe-taking to go unchallenged.

Under cross-examination, Mr. Robson icily answered scores of questions shot at him by Mr. Walpin.

The Government prosecutor brought out that Mr. Robson was an old friend of Mr. Gottesman and stressed that Mr. Gottesman had "contacted" Mr. Robson just before the grand jury handed down the 1959 indictment. According to Mr. Robson, Mr. Gottesman came to him as lawyer for Samuel Garfield and warned that Garfield was about to be indicted by an "overzealous" assistant prosecutor on insufficient evidence.

"Haven't you considered that Garfield might be about to pay you a large sum of money?" asked Mr. Walpin.

"I have speculated on that in an attempt to determine what you and this office was doing," retorted Mr. Robson.

Earlier Mr. Gillespie, an Eisenhower Administration appointee who served as United States Attorney in 1959 and 1960, gave a forceful explanation of why the four stock manipulators were omitted from the 1959 indictment in the:

(Indicate page, name of newspaper, city and state.)

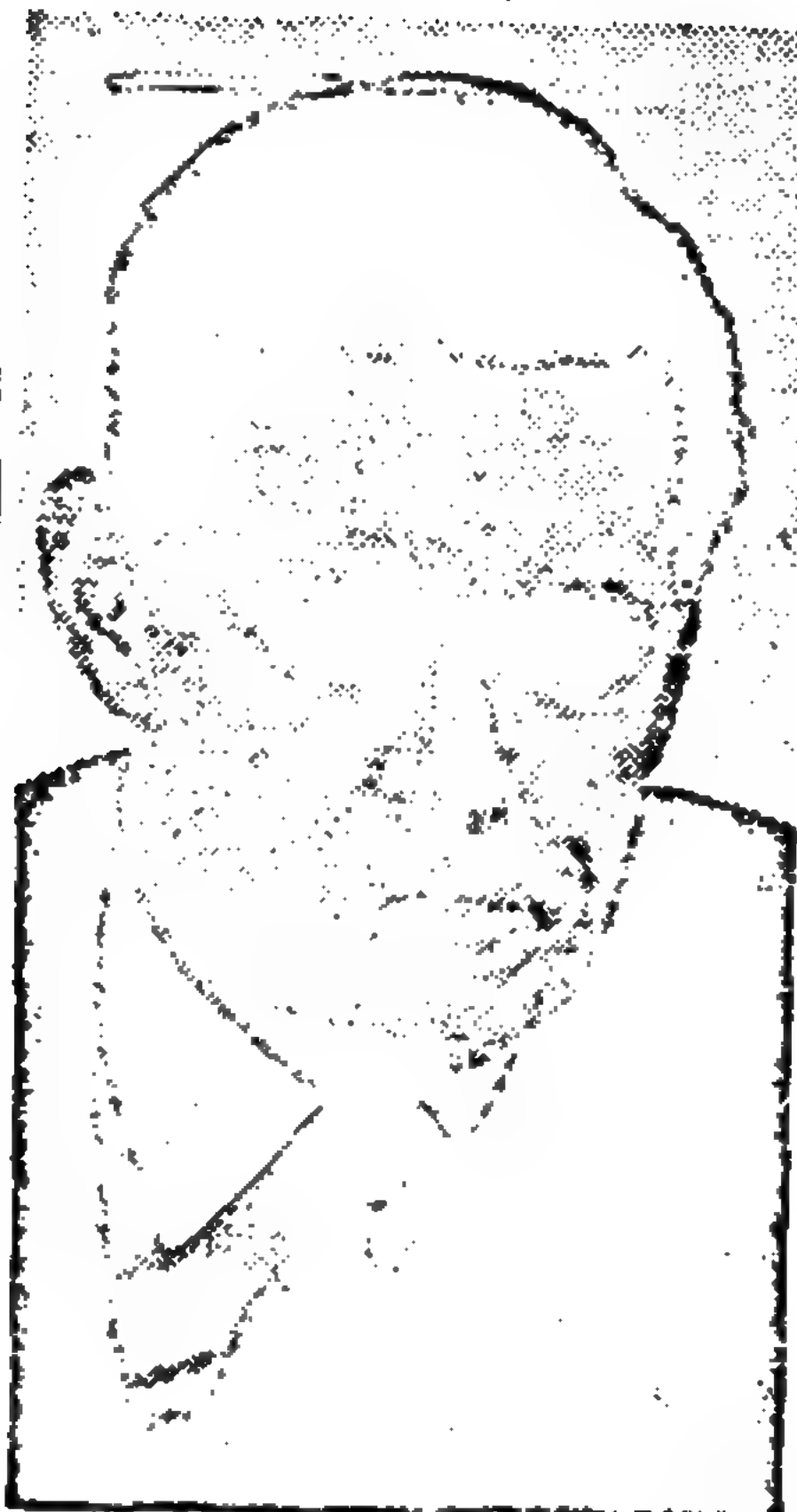
1 NEW YORK TIMES

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The New York Times

COHN CASE WITNESS:
S. Hazard Gillespie, former
United States Attorney.

\$5 million United Dye & Chemical Corp. stock-fraud case.

"The decision was mine and was made by me," said Mr. Gillespie, a craggy-visaged, sharp-jawed 53-year-old lawyer who met with urbane tolerance a lengthy attempt by Mr. Walpin to prove that the decision had been influenced by Mr. Robson.

Mr. Gillespie testified that he, along with Mr. Robson, had received warnings about the "overzealous" aide who was handling the United Dye investigation. The aide was Leonard Glass, who, according to a Government witness, had aided the conspiracy.

"Did Mr. Robson seek to influence you in any way?" asked Frank Raichle, chief counsel for Mr. Cohn.

"He did not," Mr. Gillespie said firmly. He said Mr. Robson had "the highest reputa-

tion for integrity, truth and veracity."

Mr. Gillespie said that when he looked into the original investigation at the request of a lawyer, he was dismayed to find that the draft indictment seemed to have been written by "a very inexperienced person."

He said he did not remember whether the names of the four men who subsequently pleaded guilty were on this first indictment. But he insisted that at the time there did not appear to be sufficient evidence to warrant their indictment.

Influence Denied

"Did you alone make the decision against recommending indictment of the four?" asked Mr. Raichle.

"I believe I did it completely alone," said Mr. Gillespie. "I might have consulted Mollo [Silvio J. Mollo, Assistant United States Attorney in charge of the criminal division] and talked to Glass also, but the decision was mine."

"Did Mr. Robson seek to influence you in any way?"

"He did not."

Mr. Gillespie said he had concluded that Mr. Glass was "too inexperienced," and he put his executive assistant, Jerome London, in charge of the United Dye investigation.

Rumors of Mr. Glass visiting Las Vegas on Labor Day, 1959, reached Mr. Gillespie, and he summoned Mr. Glass and "told him I was shocked that he would go to a place like that."

Mr. Gillespie said Mr. Glass replied: "I was just taking a vacation."

Shortly afterward the Department of Justice informed Mr. Gillespie of reports that Mr. Glass had tried to impede the indictment of Garfield, Roen, Irving Pasternak and Allen K. Swann, the witness said.

Mr. Gillespie said he had kept Mr. Glass on the United Dye case—but subordinate to Mr. London—to "avoid giving aid and comfort" to Alexander

Guterman, the leading defendant in the stock-fraud case.

Guterman, after he was convicted, gave evidence against Garfield, Roen, Pasternak and Swann, and they were subsequently indicted in 1960 while Mr. Gillespie and Mr. Robson were still in charge of the United States Attorney's office.

So everything came out all right in the end, Mr. Gillespie testified. For it was doubtful that the four could have been brought to trial without help from Guterman.

His strategy, he said, was to go after Guterman and others who were "looters" of United Dye before seeking indictment of those who merely engaged in stock fraud.

'Exactly as Planned'

"Would you make the same decision today?" Mr. Raichle asked.

"I certainly would," said Mr. Gillespie. "It worked out exactly as I planned."

He said that although he had explained this strategy to Robert M. Morgenthau, the present United States Attorney, he was never asked to go before the grand jury that indicted Mr. Cohn and Mr. Gottesman.

Mr. Robson testified that two members of the Securities and Exchange Commission met with Mr. Gillespie, Mr. Glass himself and other members of the United States Attorney's office just before the 1959 indictment and decided that while Garfield, Roen, Pasternak and Swann were "probably guilty," there was insufficient evidence—"a very weak case." This was "the opinion of everybody" at the meeting, Mr. Robson said.

"Isn't it a fact," asked Mr. Walpin, "that the S.E.C. men insisted very vehemently that the indictments be returned?"

"That is not a fact," replied Mr. Robson coldly, "and if they said so, they are lying." He glared for a moment at Mr. Walpin then added:

"Government office apparently doesn't stop persons from lying."

(Mount Clipping in Space Below)

Cohn Trial Home Of Mr. Robson To U.S. Prosecutor

By HOMER BIGART

A chamberlain turned yesterday at the trial of Roy Cohn that he had paid former Chief Assistant United States Attorney Morton P. Robson \$25,000 on a "loan" to escape from the 1959 stock-fraud case.

Mr. Robson, who is to appear today as a witness for the defense, said last night that this testimony by Allard Roen, manager of the Desert Inn in Las Vegas, Nev., was "an absolute lie."

He said that he had never been in Las Vegas, had never met Roen, had never received money from Roen, and that no one had ever received money from Roen on his behalf.

Roen is a confessed swindler in the 1959 stock fraud, and Mr. Cohn and Murray E. Gottesman, a Manhattan lawyer, are accused of conspiring to commit perjury and obstruct justice in the case. Mr.

(Indicate page, name of newspaper, city and state.)

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been indicted, the four were indicted.

Mr. Robson is to be the second witness for the defense today. He is to follow S. Hazard Gillespie, who was United States Attorney for the Southern District of New York in 1959. Both Mr. Robson and Mr. Gillespie were Republican appointees.

Robson said last night that on Aug. 29, 1959 — the same day Roen said he had slipped the money to the Federal prosecutor in an elevator of the Des-ert Inn—Mr. Robson was unpacking furniture with his wife in their new apartment at 630 West 216th Street, Riverdale, the Bronx. Mrs. Robson may testify for the defense.

Mr. Cohn, former chief counsel to the Senate Investigating Committee under the late Senator Joseph R. McCarthy, and Mr. Gottesman are not accused of bribery. But a key witness, Samuel S. Garfield, said last week that he had split a \$50,000 payment between Mr. Robson and Mr. Cohn, with the understanding that he, Roen and two others would be left off the indictment in the \$5 million United Dye and Chemical Corporation stock-fraud case.

The four were omitted from the 1959 indictment. But they were indicted in 1960 and 1961, and all four changed their pleas to guilty after their trial started in 1962.

The Government charges that Mr. Cohn, in an effort to cover his tracks, communicated threats to Roen and Garfield in hopes that they would alter or suppress facts concerning him in their testimony before a grand jury.

Mr. Robson said last night that the reason Garfield, Roen and the two others were not included in the 1959 indictment was simply that there was not sufficient evidence against them at that time.

He pointed out that he was still in office in November, 1960, when, after further facts had

Mr. Cohn has pictured himself as the victim of a "vendetta" staged against him by Kennedy and the present United States Attorney for the Southern District, Robert M. Morgenthau.

2 Not Accused by U. S.

No charges of wrongdoing have been made by the current Administration against Mr. Robson or his assistant, Leonard R. Glass. A prosecution witness testified last week that Mr. Glass gave him a series of questions that Mr. Glass proposed to ask of another witness in the 1959 grand jury investigation of the United Dye case. The alleged coaching supposedly helped the four swindlers escape indictment.

Mr. Glass, who returned to law practice after his resignation in 1960, has not been available for comment.

Roen, the climactic witness for the Government, gave details yesterday of the purported payoff meeting with Mr. Robson.

He said he was on vacation at Capistrano, Calif., on Aug. 20, 1959, when he received a telephone call from Garfield, who was at home in Clare, Mich.

According to the testimony, Garfield, aware that he faced indictment, had previously told Roen of an arrangement to pay Mr. Cohn \$50,000 if the four swindlers were omitted from the indictment, with no payment if they were indicted.

Roen said Garfield instructed him to return to Las Vegas and give two-thirds of the \$50,000 to someone who would call for

the money. He telephoned Garfield and asked the name of the man to be paid.

"Mr. Garfield told me 'Robson,'" the witness said. "Mr. Robson would contact me and identify himself."

"Early that afternoon I was paged. A man's voice on the phone said Roy Cohn had sent me out. He gave me a card as Robson."

"I told him I'd meet him at the elevator. I went to the elevator cage, got \$25,000 in exchange for an I.O.U. bearing Mr. Garfield's name, put it in an envelope—an ordinary white envelope—and went toward the elevator."

"There was a man standing in the lobby," he said, "Are you Mr. Robson?"

"Yes," he said. "Come on." In the elevator, he pressed the button, and when the doors opened, he said: "Here, take this." And he gave him the envelope.

"He put the money in his breast pocket. I pressed the button, and we went down to the lobby. He walked out of the elevator and directly out the front door."

Never Saw Him Again

And that was the last he had seen of "Mr. Robson," Roen testified.

"How did you know it was Mr. Robson?" demanded Frank Raichle, counsel for Roy Cohn.

"I felt there would be no one else," Roen said.

"Did he have a sort of wistful look about him?" asked Mr. Raichle with sarcasm.

"He was the only one there," Roen testified.

Roen was the 22d Government witness. Prosecutor Gerald Wal-pun rested the Government's case at 3:02 P.M. Judge Archie O. Dawson denied motions to

dismiss all counts of the Cohn-Gottesman indictment, but he reserved decision on similar motions on the conspiracy aspect of the case.

Cohn Trial: Flat Denial By Robson

By Milton Lewis
Of The Herald Tribune Staff

"My conscience is clear. I have slept every night since this matter started. I hope to continue to sleep every night thereafter, which is more than I can say for many of the people involved."

In ringing, passionate tones, Morton S. Robson so swore yesterday—in a jammed Federal Court where he denied taking \$33,333—or a penny—to save four stock swindlers from indictment when he was Chief Assistant U. S. Attorney in 1959. He also denied making any move on their behalf.

There are no charges against Mr. Robson.

He was a vital defense witness at the trial of Roy M. Cohn and lawyer Murray E. Gottesman. They are charged with perjury and conspiring to obstruct justice in arranging to keep the four securities manipulators from indict-

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ment. There had been previous testimony of a \$50,000 payoff, with one swindler swearing that he gave two-thirds—or \$33,333—to Mr. Robson and another that he slipped the other third to Mr. Cohn. The money allegedly passed hands in the Desert Inn, Las Vegas, in 1959.

Mr. Robson was preceded on the stand by S. Hazard Gillespie, who had been his superior as U. S. Attorney. He gave Mr. Robson powerful support, saying that it was he (Gillespie) who made the decision not to indict the four swindlers involved in the \$5 million United Dye & Chemical Corp. stock fraud in 1959. They were indicted in 1960, while both Mr. Gillespie and Mr. Robson were still in office.

DENIAL

Allard Roen, one of the swindlers, testified on Monday that he gave the \$33,333 to a man who identified himself as Mr. Robson on Sunday, Aug. 23, 1959, in the Desert Inn, which Roen manages. This was two days before the grand jury voted an indictment against several individuals, not including Roen, Samuel S. Garfield and two others. Roen said the man did not wear glasses and identified Mr. Robson, in court, from a group picture, in which Mr. Robson was without spectacles.

Mr. Robson, 41, explained that like many persons ("I have 20/200 vision") he was

vain enough to remove his glasses when posing for pictures. But he reiterated repeatedly that he was never in Las Vegas. He testified:

"I've never been in Las Vegas in my life to this date. I was supposed to go last year, but didn't, so that I could be in a position to say I've never been there."

Frank G. Raichle, Mr. Cohn's lawyer, inquired:

"Did you ever, at any time or place, in Las Vegas or elsewhere, receive any sum of money from a man named Roen?"

The witness, half turning toward the jury of 10 men and two women, was ready for that one:

"I've never received a sum of money from a man named Roen or anybody else, nor did anybody I ever know receive any money from Roen or anybody else, nor did I ever do anything in the U. S. Attorney's office of which I am the slightest bit ashamed."

That particular Sunday, Aug. 23, 1959, Mr. Robson swore, he was busy unpacking in his new apartment at 630 W. 246th St., Riverdale, the Bronx. He said he had moved there the previous Friday from Pearl River, N. Y., with his wife and two daughters.

Did Mr. Robson know Mr. Cohn?

"I have met him on several occasions. I was not and am not a friend of his."

Mr. Robson readily acknowledged that he and Mr. Cohn's co-defendant, Mr.

Gottesman, have been close friends for about 10 years. He also acknowledged that about one week before the grand jury voted an indictment which did not name Roen, Garfield and two others, Mr. Gottesman communicated with him.

Mr. Gottesman told him, Mr. Robson said, that he (Gottesman) had been consulted by one or two of the four and that all four felt they were innocent. Further, Mr. Robson quoted Mr. Gottesman as saying, the four felt that the Assistant U. S. Attorney handling the grand jury investigation, Leonard Glass, "was intent on indicting them," that Mr. Glass was overzealous—and Mr. Gottesman wanted Mr. Robson to look into the matter. Reason given by the witness: Mr. Robson's greater experience and "maturity."

DOUBTS

Mr. Gottesman never made any "improper suggestions" and "I never spoke to Mr. Cohn about this case," Mr. Robson swore. And after getting the facts from Mr. Glass, Mr. Robson went on, he (Robson) told his superior, U. S. Attorney Gillespie, that he (Robson) had some "doubts as to the strength of the government's case against the four."

Under cross-examination by Assistant U. S. Attorney Gerald Walpin, Mr. Robson testified it was the "unusual"



Herald Tribune—KILL
Morton S. Robson without
his eyeglasses.



Herald Tribune—KILL
Mr. Robson as he usually
appears.

mous" feeling in 1959 in the Republican-controlled U. S. Attorney's office that all four were guilty, but that there was insufficient evidence.

But in 1962 all four pleaded guilty to a 1961 indictment obtained by Mr. Walpin, serving under U. S. Attorney Robert M. Morgenthau, appointed by President Kennedy. Three are still awaiting sentence, including Garfield, who swore he gave one-third of \$50,000 to Mr. Cohn in 1959 to avoid indictment.

Mr. Walpin taxed Mr. Robson with this: Didn't two Securities and Exchange Commission agents insist in 1959 that there was sufficient evidence to indict the four in 1959? Mr. Robson, leaning forward, pointing and shouting as his face turned red:

"If they said so, they are lying! Government office does not apparently prevent persons from lying!"

Mr. Gillespie, the first de-

fense witness—he was subpoenaed—testified that he was never asked to appear before the grand jury, which voted the Cohn-Gottesman indictment, to explain his office's 1959 actions.

Mr. Gillespie volunteered that he was most unhappy with the 1959 indictment Mr. Glass originally drew up, naming certain defendants, and that he (Gillespie) had two other aids redraw it. It still did not name Roen, Garfield or the other two who also later pleaded guilty: Allen K. Swann and Irving Pasternak.

"Who made the decision not to indict the four in 1959?" Mr. Gillespie was asked.

"I did!" he boomed.

"I believe I did consult with Silvio Mello (head of the Criminal Division). I have great confidence in him. But the decision was mine and made by me."

Decision Mine: Cohn Witness

By NORMA ABRAMS and SIDNEY KLINE

S. Hazard Gillespie, U. S. attorney for the Southern District of New York in 1959, testified yesterday that the decision not to indict four men in the \$5 million United Dye and Chemical Corp. swindle in that year was his decision and his alone.

Gillespie was the first witness called by the defense at the trial of attorneys Roy M. Cohn and Murray E. Gottesman on perjury and conspiracy charges. His testimony was a direct contradiction of the prosecution case.

It is the government's contention that that Cohn and Gottesman — on trial before Federal Judge Archie O. Dawson and a jury — brought pressure to keep Samuel S. Garfield, Allard Roen, Allen K. Swann and Irving Pasternak from being indicted, and that \$50,000 was paid in bribes.

Government witnesses testi-



Morton Robson

fied that Morton Robson, then an assistant U.S. attorney, took \$38,333 from Roen in Las Vegas and that Garfield gave Cohn \$16,666.

The four men were subsequently indicted in the swindle and pleaded guilty. The current trial stems from a 1963 indictment by a grand jury that investigated why the four were not indicted in 1959. The new indictment charges that Cohn and Gottesman lied to the grand jury and attempted to influence the testimony of other witnesses.

"Who made the decision not to recommend an indictment against Garfield, Pasternak, Swann and Roen?" Frank Raichle, counsel to Cohn, asked Gillespie.

"I did," said the former U.S. attorney. "The decision was mine and was made by me."

"Did Robson attempt to influence you in any way?"

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(NEWS photo by Ed Giorandino)
S. Hazard Gillespie leaves
Federal Court.

"No, he did not."

Gillespie told the court that a

November, 1960, indictment of the four swindlers took place while he still was U.S. attorney and Robson an assistant. He said that Robson's reputation was "the highest, as a man professionally and as a man personally."

The witness said that in September, 1959, he had put the United Dye case in the hands of his executive assistant, Jerome Landin, after being advised by authorities in Washington that "someone, through Leonard Glass (another assistant U.S. attorney), had attempted to interfere with the indictment of Garfield, Pasternak, Roen and Swann."

Robson Next on Stand

Robson was the second witness yesterday—and an angry one.

He denied taking money from Roen or anyone else. He denied ever having been in Las Vegas. He denied ever seeing or speaking to Roen.

A short, slight, belligerent man with close-cropped hair, the 41-year-old attorney snapped: "I've never received any money from Roen or anyone else, and I've never done anything in the U. S. attorney's office or anywhere else of which I am ashamed. I sleep every night and expect to continue to do so."

Government testimony held that the \$33,333 was given to Robson by Roen in an elevator in the Desert Inn in Las Vegas on Aug. 23, 1959.

Robson testified that he was busy moving from Pearl River, N. Y., to an apartment at 630 W. 246th St., Riverdale, Bronx, at that time. He said he had taken a long weekend off for that purpose. He said he spent Aug. 20 in Pearl River packing, all day Aug. 21 in moving and Aug. 22 and 23 in unpacking, "except for breaks to rest my back in Riverdale." He named the moving firm.

Robson will continue under cross-examination today.

(Mount Clipping in Space Below)

Cohn Recalls

Prosecutor's Ex-Officio

Morton S. Robson, accused witness, following his ex-chief, Murray E. Gottesman. The of securing a \$50,000 payoff from United States Attorney other is that they led to a with Roy Cohn to squelch at S. Hazard Gillespie. Gillespie 1953 grand jury seeking to de-traded indictment against four insisted it was he alone who stock swindlers. returns to decided not to cite the four to name why the quarter had Federal Court today as a de-men in the 1959 stock-trad not been named in the earlier false witness for the attorney indictment. The men, one of them.

Robson, former chief assist them Roen, were named later, and United States attorney, pleaded guilty and are awaiting sentence.

ing accepted a payoff four. Asked if Robson had sought years ago in Las Vegas, as to influence his decision, Gillespie said firmly: "He did not."

"I've never been in Las Vegas in my life, to this day." Conspiring to obstruct justice, by squelching the 1959 indictment, is one of the charges.

He was the defense's second against Cohn and attorney

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Cohn May Take Stand

By JOSPH COHEN

The perjury-conspiracy trial of Roy M. Cohn and Murray E. Gottesman may hit a dramatic highpoint in Federal Court today with the appearance of Mr. Cohn on the witness stands in his own defense.

Attorneys for Mr. Cohn, said the former Senate Committee counsel fighting charges of blocking indictments in the \$5-million United Dye and Chemical Corp. stock fraud, would most likely be a witness along with the wife of a former Federal prosecutor who handled the stock case in 1959.

The ex-prosecutor, Morton S. Robson, who has been linked in testimony to a share in an alleged \$50,000 payoff with Mr. Cohn in a government-charged scheme to thwart the indictments, was a witness yesterday.

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Went on Witness Stand—

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NEW YORK POST

Robson's Wife and Cohn

By TUD POSTON and IRVING LIEBERMAN

The wife and neighbors of Morton S. Robson are expected to testify today that the former chief assistant U.S. attorney was here and not in Las Vegas on Aug. 23, 1959—the day that a confessed swindler swears he paid Robson \$33,334 to help Roy M. Cohn "fix" a federal grand jury indictment.

Mrs. Robson is to follow her husband to the stand before Federal Judge Dawson and a jury of 10 men and two women after he undergoes a brief preliminary examination in the perjury-conspiracy trial of Cohn and attorney Murray E. Gottesman.

Later today, Cohn himself is expected to take the stand and deny that he and Gottesman had, and persuaded others to

lie, to a 1962 grand jury which was looking into possible bribery in a 1959 investigation of the \$5,000,000 United Dye and Chemical Corp. stock fraud scandal.

Robson, yesterday's principal defense witness, vehemently denied testimony by confessed swindlers Allard Roen and Samuel S. Garfield that he and Cohn had shared a \$50,000 bribe for keeping the 1959 grand jury from naming them and two other stock manipulators—Allen K. Swann and Irving Pasternak—defendants in the United Dye indictments.

The former prosecutor said that he had moved his home from Pearl River, N. Y., to Riverdale on Aug. 21, 1959, and that the next two days were

"were spent entirely in unpacking—except for breaks to rest my aching back."

He denied that he had ever been in Las Vegas "in my life," and vehemently disputed Roen's testimony that he had accepted the \$33,334 in an elevator in the Desert Inn after telling the gambler-swindler, "Roy sent me."

Robson had followed S. Hazard Gillespie, former U. S. attorney, to the stand. Gillespie had praised Robson highly, and said he had nothing to do with the United Dye case. But Gillespie testified that he had removed former Asst. U. S. Atty. Leonard Glass from the case after he had been told by the Justice Dept. of a possible fix in the 1959 indictment.

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Former U.S. Attorney Decided on Defendants in

By a WALL STREET JOURNAL Staff Reporter
NEW YORK—S. Hazard Gillespie, U.S. Attorney for the Southern District of New York from May 1959 to January 1961, testified that he alone made the decision to omit four men as defendants in the August 1959 indictment in the United Dye & Chemical Corp. stock fraud case.

Mr. Gillespie was one of two former U.S. Attorneys who were the first witnesses for the defense at the trial of Roy M. Cohn and Murray E. Gottesman on charges of perjury and conspiracy to obstruct justice.

Morton S. Robson, chief assistant U.S. Attorney under Mr. Gillespie and interim U.S. Attorney from January to April 1961, declared with restrained anger that he didn't take a bribe to forestall the indictment of the four men.

No Bribery Charges

No bribery charges have been filed regarding the \$5 million United Dye fraud case. But the charges against Mr. Cohn and Mr. Gottesman stem from allegations that they had a hand in blocking the indictment in 1959 of Samuel S. Garfield, oil man and promoter; Irving Pasternak, his partner; Allard Roen, their associate and manager of two Las Vegas hotels, and Allen K. Swann, lawyer for Garfield and Pasternak.

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Mr. Cohn and Mr. Gottesman are charged with 10 counts of lying in 1962 and 1963 to a Federal grand jury investigating their 1959 relations with the four United Dye associates and of obstructing the administration of justice.

Although he appeared for the defense, Mr. Gillespie also testified he was told by a Department of Justice official on Oct. 6, 1969, that there had been "complaints" of "interference" leading to the omission of Garfield, Pasternak, Roen, and Swann from the August indictment. The Justice Department official added the complaints concerned Mr. Cohn and Leonard Glass, the assistant U.S. attorney in charge of presenting the United Dye case to the grand jury that returned the indictment, Mr. Gillespie said.

Mr. Robson's testimony also failed to support a defense contention that Mr. Gottesman came into the affair in 1969 as a lawyer retained to contact Mr. Robson to arrange for Swann to appear before the grand jury. But Mr. Robson said Mr. Gottesman "never" made any improper suggestions to him about this or any other case.

Garfield, Pasternak, Swann, and Roen were named only as co-conspirators in the 1959 indictment. However, they were indicted in 1960 and 1961 in later United Dye indictments. All four pleaded guilty to part of the 1961 indictment early in 1962.

Mr. Gillespie testified that on Aug. 20, 1959, he agreed to "familiarize" himself with the United Dye case at the request of a lawyer who was a friend of Virgil Dardi; eventually Dardi was convicted in the case. Mr. Gillespie said such a request was neither improper nor uncommon.

After examining a rough draft of the indictment, Mr. Gillespie said, he concluded that it had been written by "a very inexperienced assistant," presumably Mr. Glass. Mr. Gillespie said he had two other assistants rewrite the indictment, which was filed on Aug. 22. And he said he decided to aim the indictment at the men who were "looting" United Dye, including Dardi, instead of at those who were defrauding the public through illegal securities

trading. For this reason, he said, he had Garfield, Pasternak, Roen, and Swann omitted as defendants. But he placed the United Dye matter in the hands of Jerome London, an experienced assistant U.S. attorney, and ordered him to continue the investigation, he said.

Mr. Robson sought "in no way" to influence the decision, Mr. Gillespie said. Last week, Garfield testified that, at the direction of Mr. Cohn, he arranged to have Roen pay \$33,333 to Mr. Robson in Las Vegas on Aug. 23, 1959, for keeping the four men out of the indictment. Roen testified Monday that he gave the money to a man who identified himself as Mr. Robson.

Mr. Gillespie said, however, that he didn't recall whether the four United Dye associates were named as defendants in the rough draft indictment he rejected.

On Oct. 6, Mr. Gillespie continued, he was told in Washington that Richard H. Wels, lawyer for Alexander Guterma, a stock swindler, had said Guterma was claiming Mr. Cohn prevented the indictment of Garfield, Pasternak, Roen, and Swann.

Guterma, another manipulator of United Dye, was convicted of fraud in another matter in January 1960 and later became a chief Government witness against his former associates in United Dye.

'Shocked at Trip'

After hearing that Mr. Glass' activities were being questioned, Mr. Gillespie said, he talked to the young assistant, and was "shocked" to find Mr. Glass had made a trip

to Las Vegas the previous Labor Day week-end.

Garfield testified last week that Mr. Glass made the trip, financed by Garfield, with Sidney Barkley, an associate of Garfield and former legal client of Mr. Glass. Barkley, who also pleaded guilty to part of the United Dye charges, said he obtained from Mr. Glass a list of questions for Swann to study before testifying to the 1959 grand jury.

Mr. Gillespie said yesterday he didn't know about these allegations. Mr. Glass, currently in private practice, couldn't be reached for comment. His lawyer, Harris B. Steinberg, told a reporter yesterday, "Mr. Glass won't be available to you." Mr. Steinberg declined to make a statement on Mr. Glass' behalf.

Mr. Gillespie said he kept Mr. Glass in the U.S. attorney's office until Guterman was convicted "because I was determined not to give any comfort to Guterman." In January 1960, however, Mr. Glass left the Government position, Mr. Gillespie said.

The Government's case hasn't linked Mr. Cohn and Mr. Gottesman with Mr. Glass. But it has contended that Garfield retained Mr. Cohn, and through him, Mr. Gottesman, to make contact with Mr. Robson about keeping the four associates out of the 1959 indictment.

The 41-year-old Mr. Robson testified emphatically that he had never been in Las Vegas "in my life."

Robson's Denials

Mr. Robson denied he had taken any money from anyone, that he had arranged to have anyone receive money for him, or that he had done anything to "be ashamed of" while in Government service. At the time of the alleged bribe, he said, he and his family were busy moving into a new apartment in New York City.

Mr. Robson said Mr. Gottesman was a long-

time friend. A week or so before the 1959 indictment, Mr. Robson continued, Mr. Gottesman told him he had been "consulted by one or more of the defendants—Garfield and Pasternak, I think." Mr. Gottesman asked him to "familiarize myself with the sufficiency of the evidence," the witness said.

Mr. Robson said he asked Mr. Glass about the case and talked to Mr. Gillespie, who said he also was looking into the matter. "But I never had any interest in whether these four men were indicted or not," Mr. Robson declared.

'Desert Inn Gang' and Justice Department Are Trying 'to Get Me,' Cohn Tells Trial

By a WALL STREET JOURNAL Staff Reporter

NEW YORK — Roy M. Cohn indignantly charged the indictment against him is "an endeavor on the part of a few people in the Department of Justice, in company with the Desert Inn gang, to get me."

The 37-year-old lawyer-businessman, once chief counsel to the late Sen. McCarthy's committee investigating alleged subversives, hurled the accusation under oath at Government prosecutor Gerald Walpin.

Mr. Cohn took the witness stand shortly before noon in the second day of his defense against charges of lying to a Federal grand jury and conspiring to obstruct justice. Under questioning by his own attorney, Frank G. Raichle, Mr. Cohn denied each of the eight individual charges against him.

"Did you tell the truth to the grand jury?" Mr. Raichle asked.

"I did, sir," Mr. Cohn answered firmly.

Denies His Guilt

Mr. Raichle asked if Mr. Cohn committed the crime of conspiracy detailed in Count 1 of the indictment. "No, sir, I didn't," Mr. Cohn replied. "The same answer applies to every count in which I am named."

Mr. Cohn's direct testimony took 2 hours and 40 minutes. The Government itself, however, raised the issue of Mr. Cohn's often repeated charges outside the courtroom that the Government is conducting a "vendetta" against him.

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Mr. Walpin's first question on cross-examination was: "You say you believe the whole case is a conspiracy from the top of the Justice Department down to a little 'lowling' like myself, together with other people, against you?"

Judge Archie O. Dawson interjected, "Strike out 'little lowling.'" Mr. Walpin, an assistant U.S. attorney, is 5 feet, 4½ inches tall.

But Mr. Cohn answered, "I don't call anybody who's doing what this office is doing to me 'little.'"

Mr. Cohn then charged the Government officials with trying to "get" him. He also asserted that the Government is trying to "destroy the reputations" of Murray E. Gottesman, co-defendant in the case, and Morton S. Robson, a former U.S. attorney. All three men are New York lawyers.

The charges in the case stem from allegations that Mr. Cohn and Mr. Gottesman had a hand in blocking the indictment in August 1961 of four men associated in the \$5 million United Dye & Chemical Corp. stock-fraud case. The four men are Samuel S. Garfield, a gambler and oil promoter; Irving Pasternak, his partner; Allen K. Swann, their attorney, and Al-lard Roen, manager of two Las Vegas hotels and an associate of Garfield.

The two hotels are the Desert Inn and the Stardust Hotel. Mr. Cohn's reference to the "Desert Inn gang" related to the four men's friendships or business associations with the owners of the Las Vegas gambling resorts.

Although they weren't made defendants in the 1960 indictment, the four men were indicted in 1960 and 1961; early in 1962, they pleaded guilty to part of the charges in the 1961 indictment.

Mr. Cohn and Mr. Gottesman are charged with lying in 1962 and 1963 to a Federal grand jury and with conspiring to keep the grand jury from learning about their 1960 relations with the four United Dye associates. No bribery charges have been filed against the two men or against Mr. Robson. But Garfield and Roen, under cross-examination by the defense,

said they had split \$50,000 between Mr. Cohn and Mr. Robson in 1959 for keeping them, Swann and Pasternak out of the 1960 indictment.

Mr. Robson, who testified for the defense Tuesday, vehemently denied the allegations.

The defense contends that Garfield, Swann and Roen are cooperating with the Government in the hope of getting light sentences in the United Dye case. None of the three has yet been sentenced.

Mr. Cohn testified he met Garfield in 1956 or 1957, and that in early August 1959, Garfield informed him that United Dye was under investigation. At Garfield's request, Mr. Cohn continued, he confirmed the investigation with the U.S. attorney's office in New York and later recommended that Mr. Gottesman, a member of another law firm, handle some preliminary matters in the case. Mr. Cohn said Mr. Gottesman and he met with Garfield and Swann in Garfield's New York hotel room on Aug. 19, 1959.

Garfield and Swann had testified there was no such meeting and that they never met Mr. Gottesman at all.

Mr. Raichle asked Mr. Cohn if he ever told Garfield or anyone else that he could prevent the indictment for \$50,000 "or any price."

"I did not, and he knows I didn't," Mr. Cohn declared. He also said the only money he ever received from Garfield was a \$10,000 cash payment in September 1961, as a fee for legal services rendered over several years. No record of the payment has been produced, and Garfield denies it was paid.

"Most Important Thing"

Mr. Cohn stated that on July 16, 1962, he met Garfield, who told him in the presence of John A. Kiser, a law partner of Mr. Cohn, that it was "the most important thing in the

world" to the Justice Department to "get" Mr. Cohn. According to Mr. Cohn, Garfield said the four United Dye associates were under pressure from the Government to go along with the bribery story.

Mr. Walpin had only 25 minutes of cross-examination before adjournment. He will resume his questioning this morning.

The defense called eight witnesses before Mr. Cohn to the stand yesterday. Mrs. F. son and others testified in support of Robson's statement that he was helping move his family into a new New York apartment at the time he was alleged to be taking the bribe in Las Vegas.

The defense also called character witnesses who said Mr. Cohn had a "very high" reputation for honesty and truthfulness. Among them were Leonard Lyons, a syndicated Broadway columnist, and Kenneth P. St. Reich, president of Fifth Avenue Coach Line Inc., for which Mr. Cohn serves as general counsel. The defense introduced on Mr. Cohn's behalf a deposition from Bernard Baruch.

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Cohn Returning To Witness Stand

Roy Cohn, who claims the government's conspiracy perjury case against him is a plot "to get me," returns to the witness stand today under cross examination.

Before the trial began, the former aide to Sen. Joseph R. McCarthy (R., Wis.) had declared that Attorney General Robert F. Kennedy and United States Attorney Robert M. Morgenthau were leaders of a "vendetta" against him.

Without naming Kennedy, the 37-year-old lawyer testified, near the close of cross examination yesterday, that "I think (the government's case) is an endeavor on the part of a few people in the Department of Justice of the United States, in company with this Desert Inn gang . . . to get me, and, in the course of it, to destroy the reputations of Mr. Morton S. Robson and Mr. Murray E. Gottesman."

Gottesman is a lawyer and codefendant charged with con-

spiring to keep four men from being named in a 1959 stock-fraud indictment. Robson, former chief assistant U.S. attorney, has been accused during the current Federal Court trial of taking two-thirds of a \$50,000 payoff for leaving the names off the true bill.

Allard Roen, manager of the Desert Inn, said he passed the money to Robson in the Las Vegas hostelry five years ago, but Robson denied ever having been in Las Vegas. Witnesses swore he was in New York at the time the bribe allegedly was passed. Roen was one of the four omitted in the '59 indictment, but later all pleaded guilty to the multi-million-dollar swindle and are awaiting sentencing.

Another charge against Cohn and Gottesman holds that the lawyers lied before a federal grand jury last year during an investigation into why the quartet had not been named in the earlier indictment.

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Roy Cohn Back on Stand For Quiz on Perjury Rap

By TED POSTON and IRVING LIEBERMAN

The government cross-examines Roy M. Cohn today on his denial that he helped four stock manipulators escape indictment in 1959, and then lied to a 1962 grand jury investigating a possible "fix" in the United Dye and Chemical Corp. stock scandal.

Asst. U. S. Attorney Walpin questions Cohn before Federal Judge Dawson and a jury of 10 men and two women on a three-count indictment which accuses Cohn and attorney Murray E. Gottesman of perjury and conspiracy to obstruct justice.

On direct examination by his chief counsel, Frank E. Raichle, Cohn vehemently denied that he had split a \$50,000 bribe with former Chief Asst. U. S. Attorney Morton S. Robson to aid four confessed swindlers, but intimated that the four men had "made a deal" with the government to implicate him falsely in the \$5,000,000 United Dye scandal.

Walpin opened his cross-examination briefly just before yesterday's recess by asking Cohn:

"Do you think the entire case is a conspiracy against you by the entire Justice Dept.?"

Cohn retorted: "No, I don't think it is a conspiracy by the entire Justice Dept. I think the Justice Dept. has a lot of decent people."

"I would say it an endeavor on the part of a few people in the Justice Dept., in company with the Desert Inn gang and people on their payroll to get me, and in the course of it to destroy the reputation of Robson and Gottesman."

The witness thus referred to the testimony of Allard Roen and Samuel S. Garfield, manager and stockholder in the Las Vegas Desert Inn. Both have testified that Cohn was paid \$16,666 and Robson \$33,334 to keep them and two other confessed swindlers—Allen K. Swann and Irving Pasternak—from being indicted by a 1959 grand jury.

All four were indicted by two later grand juries and have since pleaded guilty to stock fraud charges.

Robson, a defense witness, heatedly denied the bribery.

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3 NEW YORK POST

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charges, and his wife and four other witnesses supported his story that he was in New York and not Las Vegas when the bribe was allegedly paid on Aug. 23, 1959.

Cohn said that Garfield had told William D. Fugazy, a former friend and business associate of Cohn that "they were definitely out to get me... were peddling wild stories about some bribe deal" and were "engaged in a deal to save their own necks."

"The story was," he testified, "that Mr. Robson had taken a huge bribe in an elevator in Las

Vegas, and I was responsible for it."

Cohn said that he had tried to stop the rumors by conferring with U. S. Attorney Morgenthau, but that Morgenthau had declined to accept a memorandum he offered to submit in the case. He suggested that Attorney General Kennedy had a hand in arranging his conference with Morgenthau.

"I told Mr. Morgenthau," he said, "that for a period of two years I had been living in a nightmare of rumors and investigation. I asked him why, but I was told nothing."

Cohn Tells Court He's a Victim of Liars & Plotters

By NORMA ABRAMS and SIDNEY KLINE

Roy M. Cohn, 37, fighting for his reputation, his career and possibly his freedom, yesterday categorically denied the government's charges of perjury and conspiracy against him and charged that he was the victim of a plot to "get" him.

In attempting to "get" him, the former aid to Sen. Joe McCarthy said, his enemies had sought to destroy the reputations, also, of attorney Murray E. Gottesman, 56, Cohn's co-defendant, and former Assistant U.S. Attorney Morton Robson.

"I did not threaten people," Cohn said under examination by Frank Raichle, his counsel. "I continued to talk to the government. People were lying about me. I was going to expose those lies—and I will."

And, under cross-examination by Assistant U.S. Attorney Gerald Walpin, the chief prosecutor, there was this exchange in late afternoon:

Walpin: Now, Mr. Cohn, as I understand your testimony, you believe this whole case is a conspiracy from the top of the Justice Department down to a little lowling like myself, together with a lot of other people, against you.

Word From the Judge

Judge Archie O. Dawson, presiding: (to the court clerk) Strike out the 'little lowling.' (to Cohn); You may answer.

Cohn: Mr. Walpin, I don't call anyone who can do what has been done to Mr. Gottesman and Mr. Robson, to say nothing of me, 'little' in any respect.

Walpin: Do you think this case is a conspiracy by the Justice Department, of Justice U.S. from the top to the bottom, is against you?



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Cohn: My answer is "no." I do not think it is a conspiracy by the entire Department of Justice. I think the Department of Justice, in which I served for a long time, contains an awful lot of decent, honorable people. I think it's an endeavor by a few in the Department of Justice in company with this Desert Inn gang, and the people who work for them and are on their payroll, to get me—and in the course of it destroy the reputations of Mr. Gottesman and Mr. Robson. I think that very firmly.

Indicted in 1963

Cohn and Gottesman are on trial on an indictment brought against them in 1963. It charges that they lied to a grand jury and tried to influence the testimony of others concerning an indictment returned in 1959 in the \$5 million United Chemical and Dye Corp. swindle.

The names of four men linked to the swindle were not in the 1959 indictment. They were Allard Roen, manager of the Desert Inn in Las Vegas, Samuel S. Garfield, Irving Pasternak and Allen K. Swann.

In 1960 and 1961, the four were indicted by other federal grand juries looking into the swindle. In 1962, all pleaded guilty. In that year, the government launched an investigation of why the four were not indicted in 1959. In 1963, Cohn and Gottesman were indicted over their testimony before the grand jury conducting the 1962 probe.

Tell of Payments

During the current trial, prosecution witnesses said that Cohn was given \$16,666 by Garfield and that a man who identified himself as Robson was given \$33,333 by Roen in an elevator in the Desert Inn, in 1959, to arrange to keep the names of the four off the 1959 indictment.

On the stand on Tuesday, Robson denied everything. Witnesses

yesterday corroborated that testimony before Cohn took the stand in late morning.

Cohn said he had no part in any effort to keep the four off the 1959 indictment. He denied he had lied to the 1962 grand jury or attempted to intimidate anyone to give false testimony to that grand jury, as the government has charged.

Denies Las Vegas Story

Cohn denied he ever told Garfield or anyone else that he could prevent the indictment for \$50,000, or that he phoned Garfield on Aug. 20, 1959, that "a man" was going to Las Vegas to pick up two-thirds of that amount.

On cross-examination, Cohn elaborated his charges of the "plot" against him in which Gottesman and Robson were unwitting fellow victims.

During the morning session, those who said Robson was in New York when the alleged bribe was passed in Las Vegas were his wife, a cabinet maker, Mrs. Shirley Lowe, who is a distant relative of Mrs. Robson, and Mrs. Faye Grossman of Ardsley, friend of the Robsons.

Cohn will continue under cross-examination today.

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COHN DENIES PLOT; ACCUSES U.S. AIDES

Testifies His Trial Is Effort
by a Few in Department
of Justice 'to Get Me'

By HOMER BIGART

Roy M. Cohn took the witness stand in Federal Court yesterday and denied all the Government's perjury and conspiracy charges against him.

Picturing himself as an innocent victim of a vendetta, Mr. Cohn said that his trial was an attempt "by a few people in the Department of Justice to get me."

He denied that he had conspired with his co-defendant, Murray E. Gottesman, also a lawyer, to prevent the indictment of four swindlers in a 1959 investigation of a \$5 million fraud in stock of the United Dye and Chemical Corporation.

He denied he had lied to a grand jury.

He denied he had used threats or otherwise induced other witnesses to lie to a grand jury.

And he denied with equal force a charge—not included in the indictment but voiced by Government witnesses—that he had paid a \$25,000 payoff to

a former Federal prosecutor. This charge had been asserted Tuesday by former United States Attorney S. Hazard Gillespie and by his chief assistant, Morton S. Robson, who was alleged by a prosecution witness to have received two-thirds of the payoff in a Las Vegas hotel elevator.

Mr. Gillespie, the first witness for the defense, took full responsibility for the 1959 indictment. He also said that the omission of the four men—who later pleaded guilty to the stock fraud—was a wise decision at the time.

Mr. Robson denied he had ever been in Las Vegas. Supporting witnesses testified yesterday that they had seen him in New York on the day of the alleged payoff.

The testimony of Mr. Gillespie and Mr. Robson was considered so effective by the defense that it was decided to put Mr. Cohn on the stand without further delay.

Surprised murmurs burred through the packed courtroom when Frank Raichle, the chief defense counsel, announced shortly before noon that Mr. Cohn would be the next witness.

Mr. Cohn, 51 years old, his black hair carefully slicked, his eyes heavy lidded, seemed relaxed. He seemed quickly set the background for him by making his "vendetta" charge.

Before the trial opened Mr. Cohn had charged publicly that Attorney General Robert F. Kennedy and United States Attorney Robert M. Morgenthau were leaders of the "vendetta."

Talk of Mr. Cohn

At the outset of his testimony, tracing his career, Mr. Cohn pointed out that Mr. Kennedy had been a fellow counsel on the corporation headed by the late Senator Joseph R. McCarthy. This investigation, Mr. Cohn said, was conducted by the Government's investigation into the activities of the late Senator McCarthy. Mr. Cohn said that he had been a fellow counsel on the corporation headed by the late Senator McCarthy. Mr. Cohn said that he had been a fellow counsel on the corporation headed by the late Senator McCarthy.

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1 NEW YORK TIMES

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Mr. Cohn recalled that the committee investigated alleged infiltration into all parts of the Government, including the Treasury Department.

"Who was Secretary of the Treasury then?" asked Mr. Raichle.

"It was Henry Morgenthau Jr.," said Mr. Cohn.

"And he is the father of the present U. S. Attorney here?"

"Yes," said Mr. Cohn.

Later in his testimony Mr. Cohn said he had learned from associates and former friends that the Government's investigation of how the four swindlers had avoided indictment was aimed at him. He said Samuel Garfield, one of the swindlers, had told him that "there was only one thing the Government was after, and that was me."

'Unbelievable Pressure'

Mr. Cohn said he had learned that Garfield and another confessed swindler, Allard Roen, were "under unbelievable pressure" to implicate Cohn in a bribe story.

Finally on July 11, 1962, he had a confrontation with Mr. Morgenthau, Mr. Cohn said.

"I told Mr. Morgenthau that for two years I had been living in a nightmare of rumors and investigations," he said.

He said he had offered a memorandum of facts to the prosecutor but that "Mr. Morgenthau did not care to have it."

Judge Archie O. Dawson asked how the appointment with Mr. Morgenthau had been arranged.

Mr. Cohn replied that he had been told by the late George Sokolsky, a newspaper columnist, that Attorney General Kennedy had suggested that Mr. Cohn go to see Mr. Morgenthau. The witness did not simplify on this.

The day was nearly spent when cross-examination began. Gerald Walpin, a prosecutor in the case, immediately questioned Mr. Cohn's story of the proffered memorandum.

He said the memorandum that Mr. Cohn had identified as the one offered to Mr. Morgenthau had not been typed until two days after the meeting.

Mr. Cohn replied that perhaps his counsel, Paul Windels Jr., had offered to submit a draft memorandum.

Anyhow, either he or Mr. Windels had a draft memo in his pocket and it was substantially the same as the one he identified in court, Mr. Cohn said. He repeated that Mr. Morgenthau "would not accept a memorandum."

Questioning the witness in a high voice, Mr. Walpin sought to undermine the vendetta theory.

"Now, Mr. Cohn," he began, "as I understand your testimony you believe this whole case is a conspiracy from the top of the Justice Department down to a little lowling like myself, together with a lot of other people, against you?"

"Mr. Walpin," said Mr. Cohn coldly, "I don't call anybody who can do what has been done to Mr. Gottesman and Mr. Robson, to say nothing of myself, 'little' in any respect."

"So you think the whole Justice Department is out to get you?"

"My answer is 'No,'" said Mr. Cohn. "I don't think it's a

conspiracy by the whole department. It's an endeavor by a few people in concert with the Desert Inn gang to get me, and to destroy the reputation of Mr. Gottesman and Mr. Robson. I believe that very firmly."

He denied that he had induced his former friend, William Denis Fugazy, travel agent and sports promoter, to lie to a grand jury last year to cover Mr. Cohn's tracks in the 1959 conspiracy.

The Government contended that Mr. Cohn had taken Mr. Fugazy to California just before Mr. Fugazy was to appear before the grand jury and gave him a weekend of coaching on what to conceal.

Earlier, under direct examination, Mr. Cohn said Mr. Fugazy had relayed to him the information that "certain people within the Justice Department were hell-bent to get me."

Mr. Cohn said that in August, 1959, he was asked by Samuel Garfield, a gambling and oil promoter, to represent Garfield and three others, Allard Roen, manager of the Desert Inn, Las Vegas; Irving Pasternak, an oil promoter; and Allen K. Swann, a Midwest lawyer. Garfield had heard that the four were about to be indicted for stock fraud.

Mr. Cohn said he had checked with the United States Attorney's office and been told by the prosecutor in charge of the case, Leonard Glass, that the four men were under "very active investigation" and that it was "a serious matter." Then, he said, he informed Garfield that he had obtained Mr. Gottesman to represent the four.

Describes Hotel Meeting

Mr. Cohn said that on Aug. 19, 1959, he and Mr. Gottesman met Garfield and Swann in a suite at the Hotel Pierre, where they discussed Swann's scheduled appearance the next day before the grand jury.

The Government contends that this meeting never took place. Garfield and Swann, who appeared last week as prosecution witnesses, deny any such conference.

But yesterday Mr. Cohn stuck by his grand jury testimony. He described the suite. About all he could remember of Swann was that Swann "talked too much," in the sense of being verbose.

Mr. Cohn denied he had ever threatened Garfield and Roen after learning they were testifying against him.

"I did say many times that people were lying about me and that I would expose their lies," Mr. Cohn said.

"Did you call Garfield and tell him that a man named Robson was on his way to Las Vegas to collect some money?" asked Mr. Raichle.

"I never did," said Mr. Cohn. "That's a vicious lie."

Mr. Cohn denied receiving any bribe from Garfield. The gambler had testified that he had slipped \$16,666 to Mr. Cohn in the lobby of the Desert Inn.

noon session to vigorously deny the perjury and conspiracy charges leveled at him in connection with the United Dye & Chemical Corp. stock fraud.

He blamed the charges on "certain people within the Justice Department who were hell-bent to get me."

Opening cross-examination just before court recessed, Mr. Walpin said:

"Now, Mr. Cohn, as I understand your testimony you believe this whole case is a conspiracy from the top of the Justice Department down to a little lowling like myself, together with a lot of other people, against you?"

'IT'S A CONSPIRACY'

Mr. Cohn, himself a former assistant U.S. Attorney here, replied that, "I don't call anybody who can do what has been done . . . 'little' in any respect."

He added:

"No, I don't think it's a conspiracy by the whole department. It's an endeavor by a few people in concert with the Desert Inn gang to get me, and to destroy the reputation of Mr. Gottesman and Mr. Robson. I believe that very firmly."

The government charges that Mr. Cohn was paid a bribe of \$16,666 and former Chief Asst. U. S. Atty. Morton S. Robson was given a \$33,333 bribe to keep the names of four men off the 1959 stock fraud indictment.

The four men were indicted in 1960 and 1961 and all four pleaded guilty in 1962. They are Allard Roen, manager of the Desert Inn in Las Vegas, Samuel S. Garfield, Irving Pasternak and Allen K. Swanson.

Cohn Faces Cross-Quiz On 'Plot-Victim' Charges

By JOSEPH COHEN

Roy M. Cohn faces sharp cross-examination by Federal prosecutors today on his story of being the victim of a plot by a small group of men in the U. S. Department of Justice.

The 31-year-old attorney testified under direct examination yesterday that "a few people" in the Justice Department set out "to get me" and to destroy the reputation

of co-defendant Murray E. Gottesman.

Mr. Cohn was expected to remain on the stand most of all of today under cross-examination by Gerald Walpin, an assistant U.S. Attorney, who began his examination of Mr. Cohn late yesterday.

The former aide to the late Sen. Joseph R. McCarthy took the stand in the after-

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Cohn Takes Stand, Tells Own Story

By Milton Lewis
Of The Herald Tribune Staff

Roy M. Cohn, without mentioning Attorney General Robert F. Kennedy by name, testified yesterday that "a few people" in the Justice Department were out "to get me."

Though unaccustomed to being a defendant, the 37-year-old former prosecutor bounced into the Federal Court witness chair at his perjury-conspiracy trial and fielded smoothly all questions put to him by his own counsel. Keeping his chin high, Mr. Cohn indicated quickly he would prove to the jury that the charges against him were vicious and phony.

But he appeared to lower his head when 32-year-old Assistant U. S. Attorney Gerald Walpin, figurative flame in his eye, opened his cross-examination this way:

"Do you think this entire case is a conspiracy from the entire Justice Department of the United States, from top to bottom, against you."

Mr. Cohn, with equal heat:

"My answer . . . is no. . . . I think the Justice Department . . . in which I served for a long time, contains an awful lot of decent, honor-

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"...this people. I think it is an endeavor on the part of a few people in the Justice Department, in the company of this Desert Inn gang and a few people who work for them . . . to get me. . . ."

By "Desert Inn gang" Mr. Cohn meant the manager of that Las Vegas resort, Allard Roen and his associate, Samuel S. Garfield. These two had testified previously that there was a \$50,000 payoff to save them and two others from indictment in 1959 in a \$5-million stock swindle—that one-third of the \$50,000 went to Mr. Cohn, two-thirds to then Chief Assistant U. S. Attorney Morton S. Robson.

Mr. Cohn, like Mr. Robson on Tuesday, flatly denied that he took a payoff from anybody, swore that he did nothing illegal. He is charged, with his co-defendant, lawyer Murray E. Gottesman, with conspiring to obstruct a grand jury from learning why those four stock swindlers were not indicted in 1959. They were so named in 1960 and 1961. They pleaded guilty in 1962.

Mr. Cohn testified that he was told by an intermediary that Roen and Garfield had "been subjected to tremendous pressure, with the Justice Department hell bent on one thing—getting me. . . . They were to tell a story involving me in a terrible bribe."

On his indictment last September, Mr. Cohn publicly proclaimed that his troubles stemmed from a personal vendetta against him by Attorney General Kennedy and U. S. Attorney Robert M. Morgenthau.

In July, 1962, testified Mr. Cohn, a symphony in blue, he went to see Mr. Morgenthau in an effort to find out what was going on—and to put at rest rumors and lies being bandied about him. But, the witness insisted, he got nowhere, with Mr. Morgenthau refusing to accept a memorandum. How did this meeting come about?

"Attorney General Kennedy suggested that course of action. I was told by Mr. (George) Sokolsky (late Hearst columnist) to see Mr. Morgenthau."

Mr. Cohn, testifying in the same court in which he had prosecuted numerous others, denied that he ever committed perjury before the grand jury or attempted to get others to



Herald Tribune—ROSENBERG
Roy Cohn leaving court yesterday.

perjure themselves or made any threats against anybody.

He recalled that when he was chief counsel to the McCarthy Senate Investigating Committee 10 years ago, one of the associate counsel was, with emphasis on the article, "The Robert F. Kennedy," with whom he almost exchanged blows in 1954.

He told—modestly—of his various endeavors, such as president of the American Jewish League Against Communism ("I succeeded Mr. Sokolsky when he died") and of his Roy M. Cohn Foundation, "organized by Edward J. Spellman, Cardinal Spellman's nephew."

Mr. Cohn, who comes to court in a chauffeur-driven Cadillac with telephone, testified that Garfield—one of the United Dye & Chemical Corp. stock swindlers—told him in 1961 that he (Garfield) had

hired a lawyer by the name of William Mulligan.

"Mr. Garfield said that Mr. Mulligan had excellent connections with Mr. Morgenthau, that a deal had been worked out: Roen was to get a suspended sentence and Garfield was to get a suspended sentence or a very light term."

"Somebody in the Securities and Exchange Commission objected very strenuously to this deal that Mr. Morgenthau made with the Garfield group," Mr. Cohn said.

The deal fell through, he went on, occasionally looking at the jury, when one of the other four swindlers—Irving Pasternak—refused to plead guilty.

The only fee he ever got from Garfield, Mr. Cohn said, was \$10,000 in 1961—for advice he had given in civil matters over a three-year period. Garfield never slipped him "one-third of \$50,000" or a penny as a payoff in 1959 or any other time, Mr. Cohn swore. That \$10,000 was paid in cash, Mr. Cohn said.

Roen, according to Mr. Cohn, induced Garfield to plead guilty while the latter was in a hospital in 1962, quoting Roen as saying, "Why should we give a damn about Cohn?" They then began cooperating with the government, telling, in Mr. Cohn's view, a pack of lies about him. Roen and Garfield are yet to be sentenced.

Mr. Cohn's counsel, Frank G. Raichle, read a deposition to the jury taken recently from 94-year-old Bernard Baruch, who said that he had known Mr. Cohn as an anti-Communist for 10 years and gave him a good character reference.